

of fees and commissions by the State in certain instances; etc., and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

RAWLINGS, Vice-Chairman.

Committee Room,
Austin, Texas, Oct. 12, 1935.
Hon. Walter F. Woodul, President
of the Senate.

Sir: We, your Committee on Education, to whom was referred

H. B. No. 100, A bill to be entitled "An Act to validate all consolidations or attempts at consolidation of a common school district or districts with a contiguous independent school district created by General or Special Law, after elections held under Article 2806, Title 49, Revised Civil Statutes of Texas, 1925, and amendments thereto; etc., and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

COTTEN, Chairman.

SIXTEENTH DAY.

(Continued.)

Senate Chamber,
Austin, Texas,
October 14, 1935.

The Senate met at 9:50 o'clock a. m. pursuant to recess, and was called to order by Lieutenant Governor Walter F. Woodul.

House Bill No. 1.

Pending business was H. B. No. 1 with pending amendment by Senator Sulak.

Senator Rawlings was recognized and asked unanimous consent to suspend the regular order of business and take up H. B. No. 147.

Objection was heard.

House Bill No. 1.

The Sulak amendment failed of adoption by viva voce vote.

The question recurred on adoption of the amendment by Senator Sanderford.

Senator Van Zandt sent up the

following substitute amendment for Sanderford amendment:

Amend H. B. No. 1, page 4, Section 7, by striking out all after the words "consisting of" in the second line of said Section down to and including the words "holding the position," in line 3 on page 6 of said bill and substitute in lieu thereof the following: "Comptroller of Public Accounts, State Tax Commissioner and the Secretary of State of Texas."

VAN ZANDT.

Read.

Motion to Table.

Senator Burns moved to table the amendment by Senator Van Zandt.

The motion to table prevailed by the following vote:

Yeas—23.

Beck.	Nelson.
Blackert.	Oneal.
Burns.	Pace.
Collie.	Poage.
Davis.	Redditt.
DeBerry.	Regan.
Hill.	Sanderford.
Hornsby.	Shivers.
Isbell.	Stone.
Martin.	Sulak.
Moore.	Woodruff.
Neal.	

Nays—6.

Cotten.	Small.
Holbrook.	Van Zandt.
Rawlings.	Westerfeld.

Absent—Excused.

Fellbaum.	Hopkins.
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Senator Woodruff sent up the following substitute for the Sanderford amendment to H. B. No. 1:

Strike out Section 7, page 4, down to the last paragraph on page 7 and insert:

"Sec. 7. There is hereby created a Liquor Control Division of the Office of the Comptroller of Public Accounts. The Comptroller shall appoint an administrator who shall appoint such inspectors, clerks and stenographers as shall be necessary, with the approval of Comptroller. The salary of said administrator shall be \$6000.00 per year."

WOODRUFF.

Read.

Motion to Table.

Senator DeBerry moved to table the amendment by Senator Woodruff.

The motion to table prevailed by the following vote:

Yeas—20.

Beck.	Oneal.
Blackert.	Pace.
Burns.	Poage.
Collie.	Rawlings.
Cotten.	Redditt.
DeBerry.	Sanderford.
Hill.	Shivers.
Isbell.	Stone.
Neal.	Van Zandt.
Nelson.	Westerfeld.

Nays—9.

Davis.	Moore.
Holbrook.	Small.
Hopkins.	Sulak.
Hornsby.	Woodruff.
Martin.	

Absent—Excused.

Fellbaum. Regan.

The question recurred on adoption of Sanderford amendment.

Motion to Table.

Senator Pace moved to table the Sanderford amendment.

The motion to table lost by the following vote:

Yeas—14.

Blackert.	Nelson.
Burns.	Oneal.
DeBerry.	Pace.
Hill.	Redditt.
Hornsby.	Small.
Isbell.	Van Zandt.
Neal.	Westerfeld.

Nays—15.

Beck.	Poage.
Collie.	Rawlings.
Cotten.	Regan.
Davis.	Sanderford.
Holbrook.	Shivers.
Hopkins.	Stone.
Martin.	Sulak.
Moore.	

Absent.

Woodruff.

Absent—Excused.

Fellbaum.

The Sanderford amendment was adopted by the following vote:

Yeas—15.

Beck.	Davis.
Collie.	Hopkins.
Cotten.	Martin.

Moore.	Shivers.
Poage.	Small.
Rawlings.	Stone.
Regan.	Sulak.
Sanderford.	

Nays—14.

Blackert.	Neal.
Burns.	Nelson.
DeBerry.	Oneal.
Hill.	Pace.
Holbrook.	Redditt.
Hornsby.	Van Zandt.
Isbell.	Westerfeld.

Absent.

Woodruff.

Absent—Excused.

Fellbaum.

Amend H. B. No. 1 by striking out after the word "merchandise," on line 4, page 25, the following:

"It shall be unlawful for liquor stores to employ women or boys under 21 years of age but this shall not apply to drug stores lawfully selling liquor." And insert in lieu thereof the following:

"That it shall be unlawful to employ anyone to work in a place where intoxicating liquors are sold who is under the age of 21 years and not being a qualified juror under the Constitution and Laws of the State of Texas, provided, however, that this shall not apply to cafes and dining rooms where drinks are sold, incidentally to the conduct of said business, not in excess of 4% of alcohol by volume, and drug stores lawfully selling liquors."

COTTEN.

Read.

The Cotten amendment was adopted by the following vote:

Yeas—27.

Beck.	Oneal.
Blackert.	Pace.
Burns.	Poage.
Collie.	Rawlings.
Cotten.	Redditt.
Davis.	Regan.
DeBerry.	Sanderford.
Hill.	Shivers.
Holbrook.	Small.
Hornsby.	Stone.
Isbell.	Sulak.
Moore.	Van Zandt.
Neal.	Westerfeld.
Nelson.	

Nays—3.

Hopkins. Woodruff.
Martin.

Absent—Excused.

Fellbaum.

Amend Sec. 13, page 14, mimeographed bill fourth and fifth lines by striking out the words, "days per week for two consecutive weeks," and insert in lieu thereof the words, "once a week for three consecutive weeks, in a newspaper."

HOPKINS.

Read and pending.

Senator Small sent up a substitute for the Hopkins amendment.

The amendment was read.

Senator Small withdrew his substitute amendment temporarily.

Amendment.

Amend Hopkins amendment by adding:

Amend by striking out in lines 18, 19 and 20 of page 14, the following:

"each of such notices shall be published in no less than 10 point type and shall occupy space of not less than 400 agate lines."

DEBERRY.

Read and adopted.

The Hopkins amendment as amended was adopted by viva voce vote.

Amend Subdivision (a), Sec. 24, H. B. 1, page 39, mimeographed bill, by striking out the words and figures, "one dollar and fifteen cents (\$1.15), and inserting in lieu thereof the following, viz.:

"fifty cents (50c)."

HOPKINS.

Read.

Senator Van Zandt sent up the following:

Amend Hopkins amendment by striking out the figure 50 cents and substituting therefor 80 cents.

VAN ZANDT.

Read.

Motion to Table.

Senator Hopkins moved to table the Van Zandt amendment.

The motion to table lost by the following vote:

Yeas—10.

Holbrook. Rawlings.
Hopkins. Regan.
Hornsby. Sanderford.
Martin. Shivers.
Moore. Stone.
Neal.

Nays—18.

Blackert. Oneal.
Burns. Pace.
Collie. Poage.
Cotten. Redditt.
Davis. Small.
DeBerry. Sulak.
Hill. Van Zandt.
Isbell. Westerfeld.
Nelson. Woodruff.

Absent.

Beck.

Absent—Excused.

Fellbaum. Regan.

The Van Zandt amendment was adopted by viva voce vote.

Amend the Hopkins amendment as amended by striking out the word "80c" and inserting the word "60c."
MOORE.

Read.

Motion to Table.

Senator Van Zandt moved to table the amendment by Senator Moore. The yeas and nays were called for.

Point of Order.

Senator Moore raised the point of order that the Chair had announced the result of the viva voce vote. Overruled.

The motion to table lost by the following vote:

Yeas—13.

Blackert. Nelson.
Burns. Oneal.
Collie. Pace.
Cotten. Redditt.
Davis. Small.
DeBerry. Van Zandt.
Hill.

Nays—15.

Beck. Hornsby.
Holbrook. Isbell.
Hopkins. Martin.

Moore.	Sanderford.
Neal.	Shivers.
Poage.	Stone.
Rawlings.	Sulak.
Regan.	

Absent.

Westerfeld.	Woodruff.
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Absent—Excused.

Fellbaum.

The amendment was adopted by the following vote:

Yeas—15.

Blackert.	Rawlings.
Holbrook.	Regan.
Hopkins.	Sanderford.
Hornsby.	Shivers.
Isbell.	Stone.
Martin.	Sulak.
Moore.	Westerfeld.
Neal.	

Nays—13.

Burns.	Oneal.
Collie.	Pace.
Cotten.	Poage.
Davis.	Redditt.
DeBerry.	Small.
Hill.	Van Zandt.
Nelson.	

Absent.

Beck.	Woodruff.
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Absent—Excused.

Fellbaum.

The amendment by Senator Hopkins, as amended, was adopted by the following vote:

Yeas—14.

Beck.	Moore.
Blackert.	Neal.
Holbrook.	Rawlings.
Hopkins.	Regan.
Hornsby.	Sanderford.
Isbell.	Stone.
Martin.	Westerfeld.

Nays—12.

Burns.	Oneal.
Collie.	Pace.
Cotten.	Redditt.
Davis.	Small.
DeBerry.	Van Zandt.
Nelson.	Woodruff.

Absent.

Hill.	Shivers.
Poage.	Sulak.

Absent—Excused.

Fellbaum.

Privileged Motion.

Senate Bill No. 24.

Senator Beck was recognized and moved that the Senate do not concur in House amendments to S. B. No. 24, and asked that a Conference Committee be appointed to adjust the differences between the two Houses.

Conference Committee Appointed.

The Chair appointed as conferees on the part of the Senate on S. B. No. 24:

Senators Beck, Holbrook, Cotten, Davis and Martin.

Message From the House.

Hon. Walter F. Woodul, President of the Senate.

Austin, Texas, Oct. 14, 1935

Hall of the House of Representatives
message:

from the House with the following
keeper who introduced a messenger

The Chair recognized the door-
Sir: I am directed by the House
to inform the Senate that the House
has passed the following bills and
resolutions:

S. C. R. No. 6, "Requesting the
State Highway Commission to take
proper steps to complete the Davis
Mountain State Park Highway."

H. C. R. No. 17, "Suspending the
Joint Rules of the Senate and House,
including Joint Rules 11 and 30, for
the consideration until final dispo-
sition of House Bill No. 60, relating
to the amount of taxes to be levied
on the pari-mutuel system of bets of
horse races."

The House has tabled by a viva
voce vote, H. C. R. No. 9, "Endors-
ing a one variety of quality staple
cotton to be produced in the State of
Texas."

S. B. No. 52, A bill to be entitled
"An Act appropriating one Hundred
thousand (\$112,000.00) dol-
lars for the purpose of constructing
and equipping a library building on
the campus of the North Texas State
Teachers College, at Denton, Texas,

under certain conditions and requirements and declaring an emergency."

S. B. No. 32, A bill to be entitled "An Act making appropriations for the Bureau of Labor Statistics for the purpose of supervising employment agencies and the distribution of farm labor, including salaries and other necessary expenses, for each of the fiscal years ending August 31, 1936, and August 31, 1937, and declaring an emergency."

H. C. R. No. 11, "Granting Herman Voges permission to bring suit against the State of Texas for damages."

S. C. R. No. 8, "Respectfully requesting the approval of the Honorable Franklin D. Roosevelt, President of the United State, of the application for Federal funds to be used in the construction of the Supreme Court Building in Austin, Texas."

H. B. No. 150, A bill to be entitled "An Act making an emergency appropriation for the use of the Secretary of State in paying the expenses connected with the publication of constitutional amendments and declaring an emergency."

H. C. R. No. 18, "Authorizing the Enrolling Clerk of the House of Representatives to correct the caption to H. B. No. 129."

S. B. No. 24, A bill to be entitled "An Act making appropriations to certain State eleemosynary institutions for the fiscal years ending August 31, 1936, and August 31, 1937, for the purpose of supplementing salaries of certain officers and employees; providing for the manner of supplementing said salaries; providing that if any section, clause, or part of the Act be held invalid, other sections and parts of the Act shall not be affected and declaring an emergency."

(With amendments.)

Respectfully submitted,

LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

Bill and Resolutions Referred.

H. C. R. No. 18 was referred to the Committee on State Affairs.

H. B. No. 150 was read and referred to the Committee on Finance.

H. C. R. No. 11 was referred to the Committee on State Affairs.

H. C. R. No. 17 was referred to Committee on State Affairs.

Bills and Resolutions Signed.

The Chair, Lieutenant Governor Walter F. Woodul, gave notice of signing, and did sign, in the presence of the Senate, after their captions had been read, the following bills and resolutions:

S. B. No. 52.	H. B. No. 91.
S. B. No. 32.	H. B. No. 103.
S. B. No. 70.	H. B. No. 105.
S. B. No. 58.	H. B. No. 121.
S. B. No. 69.	H. B. No. 111.
S. B. No. 49.	H. B. No. 129.
S. B. No. 29.	H. C. R. No. 18.
S. C. R. No. 8.	

Senate Resolution No. 21.

Senator Nelson sent up S. R. No. 21 memorializing Senator Arthur P. Duggan.

Senator Cotten asked that the names of all the Senators and the Lieutenant Governor be added to the resolution.

Unanimous consent was granted.

S. R. No. 21 was adopted by unanimous consent by a rising vote.

Senate Resolution No. 22.

Senator Nelson sent up the following resolution:

A tribute to Ben F. Rogers:

Whereas, Hon. Ben F. Rogers, formerly of Palestine, Texas, and now of Tahoka, Texas, is believed to be the oldest living man who has served in the Senate of Texas, he being now past his eighty-eighth birthday, and

Whereas, He has given the best years of his life to the promulgation of Christian ideals, clean living and patriotic service, and

Whereas, It should be the policy of the people of this State never to forget the services rendered and sacrifices made by our predecessors through which we have come into possession of the liberties and opportunities we now enjoy;

Be It Therefore Resolved by the Senate of Texas, That this body express their appreciation to this noble and patriotic Christian character for his services rendered to the people of his State; that we lay this rose of gratitude on his living head rather than upon his grave;

Be It Further Resolved, That a copy of this resolution be printed in the Journal and one copy each be

mailed to his home paper, The Lynn County News at Tahoka, Texas; to the paper of his former home, The Palestine Daily Herald at Palestine, Texas; and one copy to him.

NELSON,
COTTEN.

Senator Holbrook moved that all the Senators' names be added.

The motion prevailed.

The resolution was adopted unanimously by a rising vote.

House Bill No. 1.

Amend H. B. No. 1, Section (k), beginning with page 27, of the mimeographed bill, so as hereafter to read as follows:

"(k) Carrier's Permit.—The word 'carrier' when used in this Section shall mean and include steam and electric railway carriers and common carrier motor carriers operating under a certificate of convenience and necessity issued by the Railroad Commission of Texas and/or such certificates issued by the Interstate Commerce Commission. The holder of such certificates shall be authorized to transport liquor into and out of this State and between points within this State. Such carriers shall furnish such information concerning the transportation of liquor into this State or between points in this State as shall be required of them. It shall be unlawful for any such carrier to transport and deliver liquor to any person in a dry area in this State unless the same be for a lawful purpose as defined in this Act.

"The restrictions contained in this Section shall not apply to steam railway carriers and certificated common carrier motor carriers when in the course of an interstate or foreign shipment of liquor it is necessary for them to cross this State in the course of such transportation.

"The annual license fee for a carrier's permit shall be \$5.00."

RAWLINGS.

Read and pending.

Senator Rawlings was recognized on his amendment.

Senator Rawlings yielded to Senator Woodruff who moved that the Senate recess until 2 p. m.

Recess.

The motion to recess prevailed by viva voce vote at 12:20 o'clock p. m.

After Recess.

The Senate met at 2 o'clock p. m. pursuant to recess and was called to order by Lieutenant Governor Walter F. Woodul.

House Bill No. 1.

Pending business was Senator Rawlings' amendment to H. B. No. 1.

Senator Rawlings sent up the following amendment:

Amend the pending Rawlings amendment by striking out the last sentence of Sub-Section (j), of H. B. No. 1, and substituting in lieu thereof the following: "Such certificated carriers shall be entitled to a carrier's permit on the payment of a \$5.00 permit fee."

RAWLINGS.

Read and adopted.

Senator Rawlings moved the adoption of the amendment as amended.

The motion prevailed by viva voce vote.

Amend H. B. No. 1, Section (k), beginning with line 3, page 29, of the mimeographed bill, so as hereafter to read as follows:

"(k) Private Carrier's Permit.—Brewers, distillers, wineries, rectifiers, wholesalers, beer and wine wholesalers, distributors, and manufacturers, shall be entitled to transport liquor owned in good faith by them from the place of sale or distribution to the purchaser, upon vehicles owned in good faith by such permittees when such transportation is for a lawful purpose; provided, however, that such permittees shall not be permitted to engage in the business of transporting for hire such liquor in violation of the motor carrier laws of this State, and any such permittee desiring to engage in such business shall first secure a certificate or permit, as the case may be, from the Railroad Commission of Texas under the terms of the motor carrier laws, and shall be required to comply with the provisions of such laws. Motor vehicles used for such transportation shall be fully described in the application for a private carrier permit and such application shall contain all information which shall be required. Motor vehicles used by permittees for the transportation of liquor

within this State shall have printed or painted on both sides of said vehicles the trade or business name of the holder of the permit and also the number of the private carrier permit. It shall be unlawful for any permittee above named to transport liquors in any vehicle not fully described in the application for the permit. Any permittee violating any rule or regulation promulgated in pursuance of this Section shall have his private carrier permit cancelled and shall not be permitted to transport any liquor in any vehicles owned by him for a period of two years. It shall further be unlawful for any permittee to transport liquor without first having obtained a private carrier permit. The annual license fee for such permit shall be \$5.00."

RAWLINGS.

Read and adopted.

Amend H. B. No. 1, page 29, subdivision (1) by inserting between the words "within" and "any," in next to the last line of the page, the words: "the corporate limits of."

RAWLINGS.

Read and adopted.

Amend H. B. No. 1, page 30, by adding after the word "requirements" in the sixth line from the bottom of the page, the following: "of the motor carrier laws of this State."

RAWLINGS.

Read and adopted.

Amend H. B. No. 1, page 30, by adding after the word "permit," in line 2, the following: "or to transport the same in violation of the motor carrier laws of this State."

RAWLINGS.

Read and adopted.

Amend H. B. No. 1, page 37, line 1, after the word "permits," by inserting the words "except carriers."

RAWLINGS.

Read and adopted.

Messages From the House.

The Chair recognized the Doorkeeper, who introduced a messenger from the House with the following messages:

Hall of the House of Representatives,
Austin, Texas, Oct. 14, 1935.

Hon. Walter F. Woodul, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

H. B. No. 78, A bill to be entitled "An Act providing for the creation of a fund to be known as the Industrial Revolving Fund of the Texas Prison System for the use of said System in the purchasing of supplies and materials for tag plant, shoe and print shop and other industries and delivery of finished products of said system, and providing for the payment into said fund by the State Treasurer out of monies remitted to him by the General Manager of the State Prison System; etc., and declaring an emergency."

S. B. No. 29, A bill to be entitled "An Act making an appropriation to adjust, correct, and supplement the salaries of certain positions in the State Department of Education, which salaries were not adjusted in the Regular Session of the Forty-fourth Legislature, and declaring an emergency."

(With amendments.)

S. B. No. 58, A bill to be entitled "An Act amending Section 2, H. B. 327, Chapter 350, General Laws of the Forty-fourth Legislature, Regular Session, and declaring an emergency."

S. B. No. 69, A bill to be entitled "An Act permitting the Board of County School Trustees of Smith County, Texas, to employ a rural school supervisor; prescribing the duties of said supervisor; fixing and providing for the payment of salary and expenses of said supervisor out of the State and county available school funds, and declaring an emergency."

S. B. No. 70, A bill to be entitled "An Act to readjust and fix the salary of the County Superintendent of Public Instruction of Smith County, Texas; providing for office expenses; repealing all laws and parts of laws in conflict therewith and declaring an emergency."

S. B. No. 49, A bill to be entitled "An Act providing for the employment by the Commissioner of the General Land Office of the State of Texas of two additional clerks to be designated as research and sales

clerks, one of whom shall be a licensed lawyer and the other experienced in land office work, to assist him in ascertaining vacant areas of land belonging to the public free school fund of Texas, and disposing of such areas, and to compile a record and assemble information for the State Board of Education; making an appropriation for paying the salaries of said clerks, and declaring an emergency."

The House has granted the request of the Senate for the appointment of a Conference Committee to consider the differences between the two Houses on Senate Bill No. 24. The following are conferees on the part of the House:

Messrs. Leonard, Good, Tillery, Graves, Wood of Montague.

The House has refused to concur in Senate Amendments to H. B. No. 14 by a viva voce vote and requests the appointment of a Conference Committee to adjust the differences between the two Houses. The following are appointed on the part of the House:

Harris of Dallas, McKee, Moffett, Celaya, Morse.

The House has passed the following bills:

S. B. No. 62, A bill to be entitled "An Act creating the Pease River Flood Control District, a conservation and reclamation district, to be a governmental agency, body politic and corporate; prescribing and limiting the powers, rights, privileges, functions, and liabilities of such district, and prescribing the manner of their exercise; making an appropriation; declaring the Act to be severable; and declaring an emergency."

(With amendments.)

S. B. No. 64, A bill to be entitled "An Act creating the Leon River Flood Control District, a conservation and reclamation district, to be a governmental agency, body politic and corporate; prescribing and limiting the powers, rights, privileges, functions, and liabilities of such district, and prescribing the manner of their exercise; making an appropriation; declaring the Act to be severable; and declaring and emergency."

(With amendments.)

Respectfully submitted,
LOUISE NOW PHINNEY,
Chief Clerk, House of Representatives.

Hall of the House of Representatives,
Austin, Texas, Oct. 14, 1935.

Hon. Walter F. Woodul, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has concurred in Senate amendments to H. B. No. 138 by a vote of 124 yeas and 3 nays.

The House has passed the following bill:

S. B. No. 28, A bill to be entitled "An Act making an appropriation for the purpose of reroofing and repairing the Governor's Mansion, and repairing, improving and refurnishing the executive reception room in the State Capitol Building, and declaring an emergency."

(With amendments.)

The House has granted the request of the Senate for the appointment of a Conference Committee to consider the differences between the two Houses on Senate Bill No. 64. The following are conferees on the part of the House:

Messrs. Davisson of Eastland, Lottief, Clayton, Pope, and Jones of Wise.

Respectfully submitted,

LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

Hall of the House of Representatives,
Austin, Texas, Oct. 14, 1935.

Hon. Walter F. Woodul, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has refused to concur in Senate Amendments to H. C. R. No. 12 by a viva voce vote and requests the appointment of a Conference Committee to adjust the differences between the two Houses. The following are appointed on the part of the House:

Messrs Thornton and Daniel, Mrs. Moore, Messrs. Keefe and Morris.

Respectfully submitted,

LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

Bill Referred.

H. B. No. 78 was referred to the Committee on Finance.

Senator Poage was recognized for a privileged motion.

Senate Bill No. 29.

Senator Poage moved that the Senate do concur in House amendments to S. B. No. 29.

The motion prevailed by the following vote:

Yeas—30.

Beck.	Nelson.
Blackert.	Oneal.
Burns.	Pace.
Collie.	Poage.
Cotten.	Rawlings.
Davis.	Redditt.
DeBerry.	Regan.
Hill.	Sanderford.
Holbrook.	Shivers.
Hopkins.	Small.
Hornsby.	Stone.
Isbell.	Sulak.
Martin.	Van Zandt.
Moore.	Westerfeld.
Neal.	Woodruff.

Absent—Excused.

Fellbaum.

House Bill No. 1.

Senator Rawlings sent up the following:

Amend H. B. No. 1 by striking out Section 51 and substituting in lieu thereof the following:

Sec. 51. Subject as the requirements that local option elections permitting the manufacture, sale and distribution of vinous and malt beverages containing not to exceed 4% alcohol by weight as hereinafter authorized shall be held in accordance with and pursuant to the provisions of Sections 36 to 44 inclusive of this Act; and provided further that beer shall not be sold in any city, county or political subdivision thereof of this State except in cities, counties or political subdivisions that had not adopted prohibition by local option election held under the laws of the State of Texas and in force at the time of taking effect of Section 20, Article 16, of the Constitution of Texas in 1919, unless and until such city, county or political subdivision shall have held a local option election in accordance with the said Sections 36 to 44 inclusive of this Act; and provided further that the provisions of this Section shall not be construed to prohibit the sale of beer in cities, counties or subdivisions thereof in

which the qualified voters have voted to legalize such sale under the provisions of Chapter 116, Acts of the Regular Session, Forty-third Legislature, Chapter 116, Acts of the Regular Session, Forty-third Legislature, is hereby reenacted and so amended that it shall hereafter read as follows:

(Manufacture, sale and distribution of vinous or malt beverages authorized; local option; "beer" defined)

Sec. 1. (a) The manufacture, sale and distribution of vinous or malt beverage containing one-half ($1/2$) of one per cent (1%) or more of alcohol by volume and no more than four per centum (4%) of alcohol by weight is hereby authorized within the State of Texas, subject to the terms and conditions herein imposed.

(b) It shall continue to be unlawful to manufacture, sell, barter, or exchange in any city, county or political subdivision thereof, any vinous or malt liquors containing in excess of one-half ($1/2$) of one per cent (1%) alcohol by volume except in cities, counties, or political subdivisions that had not adopted prohibition by local option election held under the laws of the State of Texas and in force at the time of taking effect of Section 20, Article 16, of the Constitution of Texas in 1919; except that in cities, counties or political subdivisions which have voted to legalize the sale of beer in accordance with the local option provisions of Chapter 116, Acts of the Regular Session of the Forty-third Legislature, such beer may continue to be sold lawfully. It is expressly provided, however, that any city, county or political subdivision may vote in accordance with and pursuant to the provisions of Sections 36 to 44 inclusive of the Texas Liquor Control Act to permit or prohibit the manufacture, sale and distribution of vinous and malt beverages containing not to exceed 4% alcohol by weight.

(c) The word "beer" as hereinafter used in this Act and for the purposes of this Act shall mean beer containing one-half ($1/2$) of one per cent (1%) or more of alcohol by volume and not more than four per centum (4%) of alcohol by weight. (Containers.)

Sec. 2. (a) Beer can be manufactured, sold and distributed in barrels, kegs, bottles and other containers.

(b) As a standard of measure the word "barrel" shall mean a container containing thirty-one (31) standard gallons.

(Definitions; general distributor's license.)

Sec. 3. (a) A "manufacturer" is hereby defined to be any person licensed to manufacture or brew beer and to distribute and to sell same to others in the original package.

(b) A "general distributor" is hereby defined to be any person licensed to distribute or to sell beer to local distributors, retail dealers and/or others in the original package.

(c) A "local distributor" is hereby defined to be any person licensed to sell and distribute beer to retail dealers and ultimate customers in the county of his residence in unbroken packages not to be consumed on the premises where sold.

(d) A "retail dealer" is hereby defined to be any person licensed to sell beer in bottles and from kegs, barrels or other containers to the ultimate consumer.

(e) A "general distributor" shall procure the primary license in the county of his domicile or residence, and if he desires to establish any place of business in any other county, he shall present his license secured from the county of his residence to the Tax Collector of such County together with a license fee of Fifty Dollars (\$50.00) and it shall be the duty forthwith of such Tax Collector to issue a license for such general distributor in such county.

(f) A distributor, local or general, may maintain necessary warehouses, for storage purposes only, from which delivery may be made without such warehouses being licensed.

(g) "Person" shall include any corporation, partnership, association and person or group of persons. (License.)

Sec. 4. It shall be unlawful for any person to manufacture or brew for the purpose of sale or to sell or distribute any beer without first having applied for and secured a license as required by this Act.

(License fees and regulations.)

Sec. 5. Before any license required by this Act shall be issued

the license fee required therefor shall be paid to the County Tax Collector of the county where such license is issued for the use and benefit of the General Fund of the State of Texas. Annual fees required for license authorized by this Act shall be as follows:

(a) For a license authorizing the manufacture and sale by a manufacturer.....	\$500.00
(b) For a general distributor	200.00
(c) For a local distributor	50.00
(d) For a license authorizing the sale of beer by retail dealer for consumption on or off the premises where sold	25.00
(e) For license authorizing the sale of beer by retail dealer in the original container direct to the consumer, but not for resale, and not to be consumed on the premises where sold.....	10.00

(f) All licenses issued under the terms of this Act shall terminate at midnight on the thirty-first day of December of each year and no license shall be issued for a longer term than one year. On or before the first day of January 1936 and annually thereafter each and every person owning a license issued under the terms of this Act may by written application filed with the Tax Collector of the county of his residence, not more than thirty (30) days prior to the first day of January, renew such license so held by him. Such application shall be in writing, signed by the applicant and contain full and complete information as to the business to be conducted and all other information as set out and required in the original application upon which such original license was issued, accompanied by a fee of Two Dollars (\$2.00), which said sum of Two Dollars (\$2.00) shall be in addition to the amounts in this Act required to be paid for annual licenses, as a renewal fee charge. Such sums so paid as renewal fee charges shall be retained by the respective County Tax Collector as fees of office and be so accounted for by them respectively. Upon the presentation of such application for renewal of license, together with the sums required by this Act for an annual license, plus the said re-

newal fee of Two Dollars (\$2.00), it shall be the duty of the County Tax Collector to forthwith issue such renewal license upon the form to be prescribed by the Texas Liquor Control Board; provided, however, that no applicant for a license under the terms of this Act shall be required to pay at any one time more than the annual fees required for licenses hereunder; but such applicant shall always be required to pay such fees in advance and if such license so sought is for a portion of a year only, then the fee required to be paid for the issuance of such license shall cover the period of time from the date of such license to midnight of the thirty-first day of December following, and only such proportionate part of such annual license fee as required under the terms of this Act as the period of time between the date of such license and the thirty-first day of December following bears to the calendar year shall be required to be paid such applicant.

(g) No manufacturer, general distributor, local distributor or retail dealer shall carry on such business at more than one place under the same license, but a separate license must be obtained for each place of business, nor shall any such license be voluntarily assigned more than once, but before assignee of such license can engage in business thereunder he or they shall comply with the provisions of this Act as required by original licensee and provided further that the sale of such license, whether in the name of the original licensee or assignee, may be made under execution or mortgage and the purchaser of such license in such sale shall have the right to surrender such license to the State or County which issued the tax receipt which is the basis thereof and shall receive therefor the pro rata unearned portion of such license provided that should said original licensee or his assignee desire to change the place designated in said license he may do so by applying to the County Judge as in the case of the original application for license as provided in this Act.

(h) The Commissioners Court of each County in this State shall have the power to levy and collect from every person that may be licensed hereunder in said county a license

fee equal to one-half (1/2) of the State fee; and where any such license fee is assessed in any incorporated city or town, said city or town shall have the power to levy and collect a license fee not to exceed one-half (1/2) of the State fee, but no other fee or tax shall be levied by either. But nothing shall be construed as preventing the levying, assessing, and collecting general ad valorem taxes on the property of the said persons, individuals, partnerships or corporations so licensed.

(i) Every license issued prior to the effective date hereof to any manufacturer, general distributor, local distributor or retail dealer, shall remain in force for the period of time that it would have been in force without the passage of this Act, provided, however, that the power and authority heretofore granted to the State Comptroller for the enforcement of Chapter 116, and the duties imposed upon him are hereby transferred to and imposed upon the Texas Liquor Control Board; and provided that the schedule of license fees provided in subsections (d) and (e) of this Section 5 shall not be effective until January 1, 1936.

(Beer tax; stamps.)

Sec. 6. (a) There is hereby levied and assessed a tax at the rate of Seventy-five Cents (75c) per barrel on all beer sold, stored or distributed in this State or imported into this State. On imported beer the duty of paying said tax and affixing and cancelling the tax stamp as required under this Act shall rest primarily on the importer, and it is hereby declared to be unlawful to import beer into this State unless said tax has first been paid and the tax stamp evidencing such payment has been first affixed and cancelled as required by this Act.

It is the intention of this Section to impose upon all persons importing beer into this State the duty of paying said tax and affixing said stamp as required by this Act before said beer is imported into this State. Provided, however, if it should be determined that this subsection imposes an undue burden on interstate commerce and for that reason is invalid, then, it is hereby declared to be the legislative intent, nevertheless, to levy and collect the tax

at the rate herein prescribed upon all beer sold, stored or distributed in this State, or imported into this State, and the duty of paying this tax shall rest upon the first person selling, storing or distributing said beer in this State; provided, further, however, that the tax herein prescribed shall be paid but one time.

No manufacturer, however, shall be required to affix any stamps on any container of beer to be transported out of this State while same is stored in any brewery where same is brewed.

It shall be unlawful to transport to destinations in this State any beer upon which said tax has not been paid.

(b) Said tax shall be paid and evidenced by placing stamps as hereafter provided in the denomination required on each original barrel, keg, box, carton or other container in which beer in bulk or in bottles is packed; provided, however, that such container shall not contain more than the content of one (1) barrel of beer; and provided further that at the time such stamp is affixed the person affixing the same shall by indelible ink or stamp cancel said revenue stamp by placing the date and his or its full name or initials on said revenue stamp.

(c) Provided further that if at the time said beer is received in this State, said stamps, as required by this Act, have already been affixed and/or dated and initialed, the person receiving the same shall be relieved therefrom, but he shall not be relieved from dating or initialing the same if no initial or date appears on said stamp upon receipt of said beer.

(d) Said stamp shall be placed on each barrel, keg, carton, box or other container upon which the stamp is required to be affixed in such way that such container cannot be conveniently and practically opened without mutilating or defacing said stamp. Every person opening any such container upon which a stamp has been placed shall at the time mutilate or otherwise deface such stamp so that the same cannot be used again.

(e) No bottled beer shall be stored in this State unless the same be in a container, unless the same is exposed for sale or is being cooled for sale, except when the same is

legally in the possession of the ultimate consumer; nor shall any beer be stored or sold in this State except to the ultimate consumer, unless the same is packaged or contained in a container properly stamped.

(f) If any person has paid the tax on any containers of beer by affixing stamps thereon, and thereafter said beer is shipped out of Texas for consumption, a claim for refund may be made on paying a fee of Five Dollars (\$5.00) to the Texas Liquor Control Board at the time and in the manner prescribed by such board. So much of said fund as may be necessary not to exceed two per centum (2%) thereof is hereby appropriated for such purpose. Said officer may promulgate rules and regulations generally for the enforcement of this Act.

(Tax to be paid and stamps affixed at source.)

Sec. 7. It is the purpose and intent of this Act to require the tax to be paid and the stamp evidencing the same to be affixed on the first sale, distribution, storage or transportation and at the source, to the end that it will preclude any person evading the payment of this tax, and so as to relieve as nearly as possible the consumer and retail dealer from having to affix said stamps.

(Printing or engraving stamps; appropriation.)

Sec. 8. (a) It shall be the duty of the State Treasurer to have engraved or printed the stamps necessary to comply with this Act and to sell same to all persons upon demand and payment therefor, and one-half (1/2) of the proceeds of such sale shall be placed to the credit of the State Available School Fund and one-half (1/2) to the General Fund, and the State Treasurer shall be responsible for the custody and sale of such stamps and for the proceeds of such sales under his official bond. Such stamps shall be of such design and denomination as the State Treasurer shall from time to time prescribe and shall state the amount of tax, the payment of which is evidenced thereby, and shall contain the words "Texas State Tax Paid."

(b) The sum of Ten Thousand Dollars (\$10,000.00) or so much thereof as may be necessary, is hereby appropriated out of the General

Fund with which to pay the costs of providing such stamps. All appropriations of monies authorized by the Forty-Fourth Legislature, Regular Session, 1935, for enforcement of the provisions of Chapter 116, Acts Regular Session, Forty-Third Legislature, by the Comptroller of Public Accounts, are hereby transferred and made available for expenditure by the Texas Liquor Control Board in the enforcement of this Chapter as amended.

Sec. 9. (1) It shall be unlawful for any manufacturer or distributor directly or indirectly or through a subsidiary or affiliate, any agent or any employee, or by any officer, director, or firm member:

(a) Ownership of interest or Real Estate: To own any interest in the business of any retail dealer in beer, or own any interest of any kind in the premises in which such retail dealer conducts his or its business.

(b) Retail Licenses: To hold (after the expiration of any existing licenses) the ownership or any interest in any license to sell brewery products for consumption on the premises covered by such license, except the license of manufacturers to dispense their own products on the brewery premises.

(c) Loans and Guarantees: To furnish, give or lend any money or other thing of value, or to extend unusual credit terms, to any person engaged in selling brewery products for consumption on the premises where sold, or to any person for the use, benefit or relief of said person engaged in selling as above or to guarantee the payment of any loan or the fulfillment of any financial obligation of any person engaged in selling as above. The extension of credit for longer period of time than is generally extended to regular customers of a manufacturer or distributor covering the purchase of brewery products from such manufacturer or distributor shall be deemed unusual credit terms.

(d) Consignment Sales. To make or enter into any agreement or contract, the effect of which will amount to the shipment or delivery of brewery products on consignment. "Consignment," as here used, means the delivery of products under an arrangement whereby the person receiving such products has the right

at any time prior to sale to relinquish possession to or return them to the shipper, and whereby the title to such products remains in the shipper.

(e) Equipment and Fixtures: To furnish, give, rent, lend or sell any equipment, fixtures or supplies to any person engaged in selling brewery products for consumption on the premises where sold. This sub-section does not apply to such equipment, fixtures or supplies furnished, given, loaned, rented or sold prior to the effective date of this Act, except that such transactions made prior to this date are not to be used as a consideration for an agreement thereafter made respecting the purchase of brewery products: provided, that equipment, fixtures or supplies furnished, given, rented, loaned or sold to any person engaged in selling brewery products for consumption on the premises where sold, prior to the effective date of this Act, when removed from the premises of such person or repossessed by any manufacturer or distributor of brewery products, or by his agents or employees, shall not again be furnished, given, rented, loaned or sold to any person engaged in the sale of brewery products for consumption on the premises where sold.

This sub-section shall not apply to the practice for furnishing carbonic acid gas or tapping accessories, such as rods, vents, hose, tongues, and check valves to persons engaged in selling brewery products for consumption on the premises where sold, when a charge is made for such carbonic acid gas in accordance with the reasonable open market value thereof in the locality where furnished, and if the aggregate cost to any one person of all tapping accessories herein enumerated furnished to him by such manufacturer or distributor in any twelve months' period does not exceed five dollars for each tapping unit used in dispensing brewery products purchased from such manufacturer or distributor.

(f) Signs: (1) To furnish, give, lend, rent or sell any interior decorations or signs costing the manufacturer or distributor collectively more than Twenty-five Dollars (\$25.00) in any one calendar year, or to furnish, give, lend, rent or

sell any sign or signs for outside use, costing the manufacturer or distributor collectively more than Fifty Dollars (\$50.00) in any one calendar year, to any person engaged in selling brewery products, for use in or about or in connection with any one establishment in which brewery products are sold for consumption on the premises where sold; (2) To pay money or other thing of value for the privilege of placing or painting a sign on the premises occupied by anyone selling brewery products for consumption on the premises where sold. This sub-section shall not apply to valid existing contracts for the loan or rental of signs or space for the painting or erection of signs, made prior to the effective date of this Act, but shall apply to prevent the renewal or continuance of any such contract at or after its termination: provided, that any such signs when removed from the premises of such person or repossessed by any manufacturer or distributor of brewery products, or by any of his agents or employees, shall not again be furnished, given, loaned, rented or sold to any person engaged in the sale of brewery products for consumption on the premises where sold.

(g) Allowances and Rebates for Advertising and Distribution Service: To pay or make any allowance to any buyer for a special advertising or distribution service (1) Unless in pursuance of a written contract defining the service to be rendered and the payment therefor; and (2) unless such service is rendered and the payment is reasonable and not excessive in amount; and (3) unless such contract is separate and distinct from any sales contract; and (4) unless such payment is equally available for the same service to all competitive buyers in the same class in the same trade area.

(h) Prizes and Premiums: To offer any prize, premium, gift, or other similar inducement, except advertising novelties of nominal value, to any dealer in or consumer of brewery products.

(i) Advertising: To publish or disseminate or cause to be published or disseminated by radio broadcast, or in any newspaper, periodical or other publication or by any sign or outdoor advertising or any other printed or graphic matter, any ad-

vertisement of any brewery product, if such advertisement causes, or is reasonably calculated to cause deception of the consumer with respect to the product advertised. An advertisement shall be deemed misleading if it is untrue in any particular or if directly or by ambiguity, omission, or inference, it tends to create a misleading impression. Any advertisement of alcoholic content of any brewery product or any advertisement disparaging of a competitor's products, or that is obscene or indecent, shall be unlawful.

(j) Misbranding: To sell or otherwise introduce into commerce any brewery product that is misbranded. A product is misbranded:

(1) Food and Drug Act Requirement—If it is misbranded within the meaning of the Food and Drug Acts.

(2) Standards of Fill—If the container is so made, formed or filled as to mislead the purchaser, or if its contents fall below the recognized standards of fill.

(3) Standards of Quality—If it misrepresents the standard of quality of product in the branded container.

(4) Labels—If it is so labeled that it purports to be any product other than is actually in the container.

(k) Exclusive Outlet: To require, by agreement or otherwise, that any retailer engaged in the sale of brewery products shall purchase any such products from such person to the exclusion, in whole or in part, of the products sold or offered for sale by any other person engaged in the manufacture or distribution of brewery products, or to require the retailer to take and dispose of a certain quota of any such product.

(l) Commercial Bribery: To give or permit to be given money or anything of value in an effort to induce agents, employees, or representatives of customers or prospective customers to influence their employer or principals to purchase or contract to purchase brewery products from the maker of such gift, or to influence such employers or principals to refrain from dealing or contracting with competitors.

(m) Returnable Container: It shall be unlawful for any manufacturer to accept as a return or to purchase or use a hogshead, barrel,

half-barrel, keg, case or bottle permanently branded or imprinted with the name of another manufacturer.

(n) Labeling: To manufacture or sell or otherwise introduce into commerce in this State any brewery product unless it bears a label showing in plain, legible type the name and address of the manufacturer, or the name of the distributor for whom any special brand is manufactured, the brand or trade name, and the net content of the bottle in terms of United States liquid measure; or to manufacture or sell or otherwise introduce into commerce in this State any beer or container or dispensing equipment, carton or case for beer bearing a label or imprint which by wording, lettering numbering or illustration, or in any other manner carries any reference or illusion, or suggestion to the alcoholic strength of the product or to any manufacturing process, aging, analysis or scientific matter or fact, or upon which appears any such words or combination of words, or abbreviations thereof, as "strong," "full strength," "extra strength," "high test," "high proof," "pre-war strength," "full old-time alcoholic strength," or any words or figures or other marks or characters alluding or relating to "proof," "balling" or "extract" contents of the product, or which bears a label that is untrue in any particular or which directly or by ambiguity, omission or inference tends to create a misleading impression or causes, or is reasonably calculated to cause, deception of the consumer or buyer with respect to the product.

(2) It shall be unlawful for any retail dealer to dispense any draught beer unless each faucet or other dispensing apparatus is equipped with a sign clearly indicating the name or the brand of the particular product being at the time dispensed through such faucet or other apparatus, which sign shall be in legible lettering and in full sight of the purchaser.

(3) Provided, that if any provision of this Section 9 is for any reason held unconstitutional and invalid, such decision shall not affect the validity of the remaining portions, and the Legislature hereby declares that it would have passed this Act and each section, subsec-

tion, provision, sentence, clause or phrase thereof, irrespective of the fact that any provision is declared unconstitutional.

(Procedure to obtain license.)

Sec. 10. (a) Any person desiring a license as manufacturer, distributor or retail dealer may in vacation or in term time file a petition with the County Judge of the county in which the applicant desires to engage in such business, which petition shall state as follows:

If a manufacturer:

(1) That he is a law abiding, taxpaying citizen of this State, over twenty-one years (21) of age; that he has not been convicted of a felony within two (2) years immediately preceding the filing of said petition, and has been a resident of the county wherein such license is sought for more than two (2) years next preceding the filing of said petition.

(2) If a co-partnership, that all of the individuals have the same qualifications as provided in paragraph (1) above.

(3) If a corporation, that applicant is organized and chartered under and has complied with all corporation laws of this State applicable to such corporation; the principal place of business in such county where such license is sought, and the President or Manager shall make an affidavit that he is a law abiding, taxpaying citizen of this State, over twenty-one (21) years of age, and that he has not been convicted of a felony within two (2) years immediately preceding the filing of said petition.

If a distributor:

(1) Such applicant shall give the same information required of a manufacturer, including the place or places where such business is to be transacted.

If a retail dealer:

(1) The same information required of a manufacturer.

(2) Whether he desires to sell beer for consumption on or off the premises.

If an individual:

(1) That the applicant shall make an affidavit duly signed and sworn to before any person authorized to administer oaths under the laws of this State, showing that he has not since the effective date of this Act, naming the date in the af-

fidavit, and within two (2) years next preceding the making of said application and while engaged in the manufacture, sales or distribution of beer, paid, contributed or furnished any money or thing of value to any candidate for any public office in this State.

If the application is in behalf of a corporation, the affidavit shall be by the president, vice-president, secretary or treasurer of such corporation and shall contain a statement that the corporation has not paid, contributed or furnished any money or thing of value to any candidate for any public office in this State since the effective date of this Act, naming the date in the affidavit, and within two (2) years next preceding the making of said application and while engaged in the business of manufacturing, sale or distribution of beer. Any person who makes a false affidavit in reference to the matters and things required by this Section, shall be guilty of a felony, and upon conviction shall be punished as now provided by law for having committed the offense of false swearing.

(b) Such manufacturer, distributor, or retail dealer desiring to be licensed shall file said petition with the County Judge who shall set same for a hearing at a date not less than five (5) nor more than ten (10) days from the filing of same, and if upon hearing, he finds the facts stated in such petition are true, he shall authorize a license to be granted as prayed for, provided, however, that upon the filing of such petition, the clerk shall first give notice thereof by posting at the courthouse door a written notice of the filing of said petition and a copy of the substance thereof, and such notice shall state when the petition shall be heard. Said petition may be inspected by any person. Any citizen shall be permitted to contest the facts stated in such petition and the applicant's right to secure license upon giving security for all costs which may be incurred in such suit, should the same be decided in favor of the applicant; provided, however, no county or district attorney shall be required to give bond for such costs but the county or State as the case may be shall be liable therefor.

(c) Upon the court's authorizing a license to be issued, the Judge shall so certify and deliver a copy of such certification to the applicant, who shall thereupon present the same to the County Tax Collector and pay the fee required, whereupon it shall be the duty of the Tax Collector to issue such a license on a form prescribed by the Texas Liquor Control Board, showing the amount paid, date, classification and such other information that may be required by the Texas Liquor Control Board, including the correct address of the place of business. A copy of such license shall be sent by the County Tax Collector forthwith to the office of the Texas Liquor Control Board and a record thereof kept in said office.

(d) In the event the County Judge denies the application for a license, he shall enter his judgment accordingly and the applicant may within thirty (30) days thereafter appeal to the District Court of the county where said application is made, and such District Court may hear and determine such appeal in term time or vacation by trial de novo. If the applicant shall prevail by final judgment, a certified copy thereof shall be presented to the Tax Collector, who shall thereupon accept the fees required and license shall be issued as provided herein.

(e) Any manufacturer, distributor or person shipping or consigning beer into this State shall file with the Secretary of State a certificate certifying the name of his agent upon whom service may be had, his or its street address and business, and if such be not done within fifteen (15) days from the effective date hereof then service may be had on the Secretary of State in any cause of action arising out of the violation of this Act, and it shall be the duty of the Secretary of State to send any such citation served on him to such person who may be in a foreign state, registered, return receipt requested and such receipt will be prima facie evidence of service on such person.

(Form of license disposition of unearned portion of license; statements by Tax Collector.)

Sec. 11. (a) Upon the payment of the fee to the Tax Collector and the proper evidence from the County

Judge that such applicant should be licensed, such Tax Collector shall issue to the applicant the proper license which shall be by him signed, be under the seal of his office, be dated, state on its face for what it is issued, date when it will expire, by whom and where such business is to be conducted and shall describe the place where same is to be kept and whether licensee is authorized to act as manufacturer, general distributor, local distributor, or retail dealer of beer as set out in the application.

(b) In the event of the death of any licensee or the dissolution of any corporation or association of persons, leaving unearned portion of any license issued, the legal representatives of such deceased person or surviving partner or director of any such corporation may present the license of such person to the State and county and receive payment of the unearned portion of license fee collected, the State's portion to be paid out of the foregoing appropriation to the Texas Liquor Control Board.

(c) The Tax Collector shall make statements to the Texas Liquor Control Board of the amounts collected by him at the times and in the manner as required by the Texas Liquor Control Board.

(Penalty)

Sec. 12. (a) If any person manufactures or sells beer in this State as a manufacturer, distributor or retail dealer without then and there being licensed as a manufacturer, distributor or retail dealer respectively, or

(b) If any person or agent or representative of any manufacturer, distributor or retail dealer shall manufacture or sell beer for any manufacturer, distributor or retail dealer without such manufacturer, distributor or retail dealer being duly licensed as required by this Act, or,

(c) If any person shall sell, transport, store or otherwise handle in intrastate commerce, or conspire to sell, transport, store or otherwise handle in intrastate commerce any beer without the stamp required in Section 6 of this Act being placed on the container as required in such Section, or,

(d) If any person shall open any such container having a stamp without then and there mutilating or otherwise defacing such stamp so that it cannot be again used, or

(e) If any person shall attach to any container of beer any stamp that has been theretofore attached to a different container of beer, or,

(f) Shall refuse to allow on demand the Texas Liquor Control Board or any representative of said Board to make a full inspection of any place where beer is being stored, transported, manufactured or otherwise handled, or,

(g) If any person shall knowingly or willfully sell any beer to any person under the age of twenty-one (21) years, or,

(h) If any person fails to display any license required by the provisions of this Act in some conspicuous place in the house where such business is conducted, or,

(i) If any person shall sell or offer for sale in this State, whether as principal or agent, any beer unless the same be in or from the original container bearing the original label with the full name of the brewer or manufacturer of such beer both upon the label or bottle and/or upon the cap or cork of such bottle or upon the keg.

No female or any male person under eighteen (18) years of age shall be employed to work in or perform any labor in any establishment where beer is sold by retail to be consumed on the premises where sold and where the sale of beer is the principal business conducted at such place of business. Or,

(j) If any person shall violate any provision of this Act whether specifically enumerated above or not,

(k) He shall be guilty of a misdemeanor, and upon conviction shall be punished by a fine in the sum of not less than Twenty-five Dollars (\$25.00) and not more than Five Hundred Dollars (\$500.00), or by imprisonment in the County Jail not more than one year or by both such fine and imprisonment except when some other penalty is specifically provided by this Act, in which event the penalty specifically provided shall apply to the specific act or omission.

(Records; penalty; other regulations.)

Sec. 13. (a) Each manufacturer and distributor shall be required to keep records of the amount of beer manufactured and/or bought or received by them and the amount sold, the amount of stamps purchased by them and the amount of stamps used by them and such other records as may be required to be kept by the Texas Liquor Control Board, which records at all times shall be open for the inspection of the Texas Liquor Control Board or its duly authorized representative at reasonable office hours.

(b) If any person shall commit any offense prescribed by Section 13 or violate any other provision of this Act, he shall also forfeit to the State a penalty not less than Fifty Dollars (\$50.00) nor more than Five Hundred Dollars (\$500.00) to be recovered by the State in a suit filed in Travis County or in any county in which such violation may have occurred, which money shall be paid into the State Available School Fund, and each day of such violation shall constitute a separate and distinct violation.

(c) Each sale to any person under twenty-one (21) years of age under the provisions of this Act shall constitute a separate offense.

(d) It shall be unlawful for any person in all counties or subdivisions thereof wherein the sale of beer as defined by this Act is authorized to be sold, to sell beer on the day of any general primary election or general election held in this State, between the hours of seven o'clock A. M. and eight o'clock P. M. of the day, and

(e) It shall be unlawful for any person engaged in or having any interest in any business which manufactures, sells or distributes beer, as defined in this Act, to contribute any money or any other thing of value toward the campaign expenses of any candidate for any office in this State.

(f) No person who may engage in the sale of beer, as a principal business and which is to be consumed on the premises, under the provisions of this Act shall offer for sale or sell such beer between the hours of twelve o'clock midnight and seven o'clock A. M. on each day as herein provided and from and after twelve o'clock midnight Saturday

until seven o'clock A. M. Monday of the following week.

(g) The Commissioners' Court of any county in the territory thereof outside of incorporated cities and towns and the governing authorities of any city or town within the corporate limits of any such city or town may prohibit the sale of beer by any dealer whose principal business is the sale of beer where the place of business of any such dealer is within three hundred (300) feet of any church, school or other educational institution, the measurements to be along the property lines of the street fronts and from front door to front door and in a direct line across intersections where they occur. No license or permit shall ever be granted, nor shall beer ever be sold in or upon any property, State Parks excepted, owned by or under lease by the State or within three hundred (300) feet of the grounds of the State Capitol. This shall not apply to property of the State which is under lease and being used and occupied by others.

(h) The County Judge of any county after ten (10) days notice and hearing may revoke the license of any licensee of such county;

1. When disorderly or immoral practices are permitted on the premises, or spirituous, vinuous or malt liquors are illegally sold on the premises.

2. Where the word "saloon" is printed, painted or placed upon the door, window or in any other public place on or about the premises or when the word "saloon" is used in any advertisement by the licensee.

(Counterfeiting stamps.)

Sec. 14. Any person, other than the State Treasurer or his duly authorized agent who shall print or engrave or directly aid in or cause the printing or engraving of any stamp or stamps evidencing or purporting to evidence the payment of any tax levied by this Act, or who shall use or consent to the use of any counterfeit or unauthorized stamps in connection with the sale or offering for sale of any beer, or shall place or cause to be placed on any container containing or to contain such beer any such unauthorized or counterfeit stamps, or if any person shall knowingly possess any counterfeit

stamps or shall counterfeit any license to be used in lieu of the stamps or license as required by this Act, he shall be guilty of a felony and upon conviction be punished by imprisonment in the penitentiary for not less than two (2) years nor more than five (5) years.

(Penalty for unlawfully permitting opening or consuming beer on premises where sold.)

Sec. 15. Any person, whether as principal or agent of any firm, corporation or association of persons engaged in the business of manufacturing and selling or in the business of distributing and selling or in the retail business of selling beer under license which does not permit such beer to be opened and consumed on the premises where sold, who shall permit any such beer so manufactured and sold or distributed and sold to be opened and consumed on the premises where sold, shall be guilty of a misdemeanor and upon conviction, be punished by a fine of not less than Fifty Dollars (\$50.00), nor more than Five Hundred Dollars (\$500.00).

(Forfeiture of license.)

Sec. 16. In addition to the penalties herein provided, the license of any person convicted of violating any of the provisions of this Act shall be subject to forfeiture in a suit filed by the State for such purpose by reason of such conviction; and no license shall be re-issued to any person whose license for any of such occupations has been revoked or forfeited within one (1) year next preceding the filing of his application for a new license.

(Effect of forfeiture of license.)

Sec. 17. In case the license of any licensee hereunder is forfeited under the provisions of this Act, nevertheless such licenses shall be authorized to sell or dispose of in bulk any stock of beer he may have on hand at the time such license is forfeited.

(Transportation of beer.)

Sec. 18. It is hereby declared to be lawful to transport beer, as herein defined, from any place in this State, where the sale, manufacture and distribution thereof is authorized by law, to any other place within this State where the same may be lawfully manufactured, sold or dis-

tributed; and from the State boundary to any such place, even though in the course of such transportation the route over which the same is being transported may traverse local option territory in which the manufacture, sale and distribution of said beer is prohibited. Provided, however, that any such shipments must be accompanied by a written statement furnished and signed by the shipper showing the name and address of the consignor and the consignee, the origin and destination of such shipment and it shall be the duty of the person in charge of such cargo while it is being so transported to exhibit such written statement to any peace officer making demand therefor, and said statement shall be accepted by such officer as prima facie evidence of the lawful right to transport such beer.

(Refunding fee for unexpired term.)

Sec. 19. In all cases where any person pursuing the occupation of selling beer containing not more than four per centum (4%) of alcohol by weight under licenses issued in accordance with the laws of this State has been or shall hereafter be prevented from pursuing such occupation for the full time to which he would be otherwise entitled by reason of the adoption of local option in any county or subdivision thereof the proportionate amount of license fees paid by him for the unexpired term shall be refunded to him.

(Obstructing view of interior of places of business.)

Sec. 20. No "blinds" or barriers of any kind or character shall be installed or maintained in the openings or doors of any establishment whose principal business is the sale of beer; neither shall any windows on said establishments be painted in such a way as to obstruct the views from the general public.

Sec. 21. Upon having called to his attention by affidavit of any credible person that any person is violating, or is about to violate, any of the provisions of this Act, it shall be the duty of the Attorney General or the District or County Attorney to assist in any proceedings to restrain any such person from the threatened or any further violation, and the District Judge shall have au-

thority to issue restraining orders without hearing, and upon notice and hearing to grant injunction, to prevent such threatened or further violation by the person complained against, and may require the person complaining to file a bond in such amount and containing such conditions and in such cases as the Judge may deem necessary. Upon any judgment of the Court that violation of any restraining order or injunction issued hereunder has occurred, such judgment shall operate to cancel, without further proceedings, any license held by the person who is defendant in the proceedings, and no license shall be reissued to any person whose license has been so canceled, revoked or forfeited, within one (1) year next preceding the filing of his application for a new license. It shall be the duty of the District Clerk to notify the County Tax Collector and the Texas Liquor Control Board of any judgment of a Court which operated hereunder to cancel a license.

RAWLINGS.

Senator Rawlings had the floor to discuss the amendment.

Senator Rawlings yielded to Senator Woodruff to send up the following substitute for the Rawlings amendment:

Amend H. B. No. 1, by striking out sub-Section (q) of Sec. 18, page 35, of the bill, and insert in lieu thereof the following:

It shall be unlawful for any person to engage in the business of selling intoxicating liquors in this State containing in excess of 3.2% alcohol by weight except as permitted in the foregoing sub-Section of Sec. 18. Any person violating this provision shall, upon conviction, be confined in the penitentiary not less than one nor more than 2 years."

WOODRUFF.

Read.

A second reading was called for.

Point of Order.

Senator Rawlings raised the point of order that the substitute offered by Senator Woodruff was not germane to the pending amendment.

The Chair sustained the point of order.

Amend Rawlings' amendment at proper place by striking out "75 cents tax feature per barrel," and substitute in lieu thereof "\$1.50 per barrel."

VAN ZANDT.

Read.

The question recurred on the adoption of the Van Zandt amendment to the Rawlings' amendment.

Motion to Table.

Senator Rawlings moved to table the Van Zandt amendment.

The motion lost by the following vote:

Yeas—8.

Holbrook.	Sanderford.
Moore.	Shivers.
Rawlings.	Stone.
Regan.	Sulak.

Nays—21.

Beck.	Neal.
Blackert.	Nelson.
Burns.	Oneal.
Collie.	Pace.
Cotten.	Poage.
Davis.	Redditt.
DeBerry.	Small.
Hill.	Van Zandt.
Hornsby.	Westerfeld.
Isbell.	Woodruff.
Martin.	

Absent.

Hopkins.

Absent—Excused.

Fellbaum.

The Van Zandt amendment was adopted by viva voce vote.

Amend Rawlings' amendment, Section (5), sub-Section (d), by striking out "\$25.00," and substitute in lieu thereof "\$100.00." And by striking out "\$10.00" and substitute in lieu thereof "\$50.00" in sub-Section (e).

BURNS.

Read.

Motion to Table.

Senator Rawlings moved to table the amendment by Senator Burns.

The motion to table lost by the following vote:

Yeas—11.

Davis.	Sanderford.
Holbrook.	Shivers.
Moore.	Stone.
Neal.	Sulak.
Rawlings.	Westerfeld.
Regan.	

Nays—17.

Beck.	Nelson.
Blackert.	Oneal.
Burns.	Pace.
Collie.	Poage.
Cotten.	Redditt.
DeBerry.	Small.
Hill.	Van Zandt.
Hornsby.	Woodruff.
Isbell.	

Absent.

Hopkins.	Martin.
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Absent—Excused.

Fellbaum.

The Burns amendment was adopted by the following vote:

Yeas—19.

Beck.	Neal.
Blackert.	Nelson.
Burns.	Oneal.
Collie.	Pace.
Cotten.	Poage.
DeBerry.	Redditt.
Hill.	Small.
Hornsby.	Van Zandt.
Isbell.	Woodruff.
Martin.	

Nays—10.

Davis.	Sanderford.
Holbrook.	Shivers.
Moore.	Stone.
Rawlings.	Sulak.
Regan.	Westerfeld.

Absent.

Hopkins.

Absent—Excused.

Fellbaum.

Amend the Rawlings amendment by striking out the last paragraph in subdivision "I" of Section 12, and substituting in lieu thereof the following:

"No person under the age of eighteen (18) years shall be employed to sell, handle or dispense,

nor to assist in the selling, handling or dispensing of beer in any establishment where beer is sold by retail to be consumed on the premises where sold."

MOORE.

Read and adopted.

Amend Rawlings amendment, page 6, Section 8, Sub-section (b) by striking out the following:

"The sum of Ten Thousand Dollars (\$10,000.00) or so much thereof as may be necessary, is hereby appropriated out of the General Fund with which to pay the costs of providing such stamp."

POAGE.

Read and adopted.

The Rawlings amendment as amended was adopted by viva voce vote.

Motion to Reconsider.

Senator Cotten moved to reconsider the vote by which the amendment by Senator Sanderford to H. B. No. 1 was adopted.

The motion to reconsider prevailed by the following vote:

Yeas—16.

Blackert.	Nelson.
Burns.	Oneal.
Cotten.	Pace.
DeBerry.	Redditt.
Hill.	Shivers.
Hornsby.	Van Zandt.
Isbell.	Westerfeld.
Neal.	Woodruff.

Nays—14.

Beck.	Poage.
Collie.	Rawlings.
Davis.	Regan.
Holbrook.	Sanderford.
Hopkins.	Small.
Martin.	Stone.
Moore.	Sulak.

Absent—Excused.

Fellbaum.

Motion to Table.

Senator Van Zandt moved to table the amendment by Senator Sanderford.

Motion Pending.

Senator Sanderford was recognized and asked unanimous consent

to yield his time to Senator Small to speak on the amendment.

Unanimous consent was granted.

Senator Small yielded to Senator Collie for a privileged motion.

Senate Bill No. 64.

Senator Collie moved that the Senate do concur in House amendment to S. B. No. 64.

Senator Collie withdrew his motion to concur.

Senator Collie moved that the Senate do not concur in House amendments to S. B. No. 64, and that a conference committee be appointed to adjust the differences between the two Houses.

The motion prevailed by viva voce vote.

Conference Committee Appointed.

The Chair appointed as conferees on the part of the Senate on S. B. No. 64, the following:

Senators Collie, Davis, Poage, Nelson and Stone.

Senate Bill No. 62.

Senator Oneal moved that the Senate do concur in House amendments to S. B. No. 62.

The motion prevailed by the following vote:

Yeas—30.

Beck.	Nelson.
Blackert.	Oneal.
Burns.	Pace.
Collie.	Poage.
Cotten.	Rawlings.
Davis.	Redditt.
DeBerry.	Regan.
Hill.	Sanderford.
Holbrook.	Shivers.
Hopkins.	Small.
Hornsby.	Stone.
Isbell.	Sulak.
Martin.	Van Zandt.
Moore.	Westerfeld.
Neal.	Woodruff.

Absent—Excused.

Fellbaum.

H. C. R. No. 18.

Senator Moore received unanimous consent to suspend the regular order of business to take up

H. C. R. No. 18, A resolution providing "That the Enrolling Clerk of

the House be instructed to change the word "June" to "January" in line eleven (11) of the caption of House Bill No. 129."

The rule requiring committee reports to lie over one day was suspended by unanimous consent.

The committee report recommending that the resolution be not printed was adopted by unanimous consent.

H. C. R. No. 18 was adopted by viva voce vote.

House Bill No. 1.

The question recurred on the pending motion to table the amendment by Senator Sanderford.

The motion to table prevailed by the follownig vote:

Yeas—16.

Blackert.	Nelson.
Burns.	Oneal.
Cotten.	Pace.
DeBerry.	Redditt.
Hornsby.	Shivers.
Hill.	Van Zandt.
Isbell.	Westerfeld.
Neal.	Woodruff.

Nays—14.

Beck.	Poage.
Collie.	Rawlings.
Davis.	Regan.
Holbrook.	Sanderford.
Hopkins.	Small.
Martin.	Stone.
Moore.	Sulak.

Absent—Excused.

Fellbaum.

Senator Rawlings sent up the following amendment:

Amend H. B. No. 1 by adding at the end of Sec. (q), page 36, "The Tax Liquor Control Board may issue a license to any dining car company, sleeping car company, railroad company or railway company operating in this State, which shall authorized the holder thereof to keep for sale and to sell in its dining cars, sleeping cars, buffet cars, observation cars and any other cars used for transportation or accommodation of passengers, malt and vinous beverages and alcoholic liquors for consumption in sealed containers of less than one pint. Surety bond shall not be required from such companies. Every such license shall expire on December 31st of the year in which

it is issued and the license fee thereon shall be subject to proration. Each such license shall be good throughout this State as a State license. Only one such license shall be required for all cars operated in this State by the same owner; and no further license shall be required or tax levied by any county, city or village for the privilege of selling malt and vinous beverages and spiritous liquors for consumption in such cars. Nothing in this Act contained shall apply to or affect the right of holders of such licenses to transport within this State or to import into this State malt and vinous beverages and spiritous liquors to be kept for sale or to be sold while actually enroute in the cars of such licensees. Nothing in this Act shall be construed to forbid or prevent the sale of malt and vinous beverages and spiritous liquors by the holder of such license on trains passing through prohibited territory. Each such licensee shall pay a license fee of ten dollars per annum for each of the average number of dining cars, buffet cars or club cars operated daily in this State."

RAWLINGS.

Read and pending.

Point of Order.

Senator Burns raised the point of order that the amendment was out of order, as it violates Sec. 20, of Art. 16, of the Constitution of Texas.

The Chair overruled the point of order.

Amendment.

Amend Rawlings amendment by adding the following:

"Provided no intoxicating liquor shall be sold in dry territories and in the event this paragraph is declared unconstitutional it shall not effect any other portions of this Act."

BURNS.

Read and adopted.

Amendment.

Amend Rawlings amendment as amended, by substituting for words "less than pint," the words "not less than one pint."

HILL.

Read and pending.

Previous Question.

Senator Van Zandt moved that the Senate order the previous question on the amendment to the amendment, and the engrossment of House Bill No. 1.

The motion was seconded.

The motion to order the previous question failed by the following vote:

Yeas—12.

Blackert.	Neal.
Burns.	Nelson.
Cotten.	Oneal.
Davis.	Pace.
DeBerry.	Van Zandt.
Hill.	Woodruff.

Nays—17.

Beck.	Redditt.
Collie.	Regan.
Holbrook.	Sanderford.
Hopkins.	Shivers.
Hornsby.	Small.
Isbell.	Stone.
Martin.	Sulak.
Moore.	Westerfeld.
Rawlings.	

Absent.

Poage.

Absent—Excused.

Fellbaum.

Motion to Table.

Senator Rawlings moved to table the Hill amendment.

The motion to table prevailed by viva voce vote.

Motion to Table.

Senator DeBerry moved to table the pending amendment by Senator Rawlings, as amended.

The motion to table lost by the following vote:

Yeas—13.

Collie.	Oneal.
Cotten.	Pace.
Davis.	Poage.
DeBerry.	Small.
Hill.	Van Zandt.
Hornsby.	Woodruff.
Isbell.	

Nays—15.

Beck.	Holbrook.
Blackert.	Hopkins.
Burns.	Martin.

Moore. Shivers.
Neal. Stone.
Rawlings. Sulak.
Regan. Westerfeld.
Sanderford.

Present—Not Voting.

Nelson.

Absent.

Redditt.

Absent—Excused.

Fellbaum.

The pending amendment as amended was adopted by the following vote:

Yeas—15.

Beck. Rawlings.
Blackert. Regan.
Burns. Sanderford.
Holbrook. Shivers.
Hopkins. Stone.
Martin. Sulak.
Moore. Westerfeld.
Neal.

Nays—15.

Collie. Oneal.
Cotten. Pace.
Davis. Poage.
DeBerry. Redditt.
Hill. Small.
Hornsby. Van Zandt.
Isbell. Woodruff.
Nelson.

Absent—Excused.

Fellbaum.

The Chair voted "yea" on adoption.

Amendment.

Amend H. B. No. 1, by striking out in Section 18, division "c", on page 20, line 18, beginning with the words, "The term wine," and ending line 21 with the word "sugar" and substituting:

"The term "wine," wherever used in this act, shall mean the product obtained from the normal alcoholic fermentation of the juice of sound, ripe grapes, and such corrections, as permitted by the United States Government, in Section 610, Act of February 24, 1919; 40 Stat. 1057."

SULAK,
SHIVERS.

Read and adopted.

Amendment.

Amend H. B. No. 1, Sec. 3(a), page 1, as amended, by striking out the following, "Fourteen per cent (14%) alcohol by volume," and inserting in lieu thereof the following: "Seventeen per cent (17%) alcohol by weight."

SHIVERS.

Read and pending.

Senator Rawlings was recognized for a privileged motion.

House Bill No. 14.

Senator Rawlings moved that the Senate grant the request of the House, for the appointment of a conference committee to adjust the differences between the two Houses on H. B. No. 14.

The motion prevailed by a viva voce vote.

Conference Committee Appointed.

The Chair appointed as conferees on the part of the Senate on H. B. No. 14, the following:

Senators Rawlings, Moore, Hopkins, Regan and Shivers.

House Bill No. 1.

The question recurred on the adoption of the amendment by Senator Shivers.

Point of Order.

Senator DeBerry raised the point of order that the amendment was out of order as, it had already been acted upon by the Senate.

The Chair sustained the point of order.

Amend H. B. No. 1, Section 11-a, page 13, by adding after the period at the end of line 5, the following: "Provided that in the case of wines nothing in this Section contained shall prohibit the sale to the consumer, and the transfer of wines to a bottle, jug, receptacle, or other container owned by said consumer, and into which the vendor shall transfer said wines."

SHIVERS.

Read.

Senator Van Zandt sent up the following substitute for the Shivers amendment:

Amend H. B. No. 1 by striking out all of Section 11-A.

VAN ZANDT.

Read.

Point of Order.

Senator Shivers raised the point of order that the substitute by Senator Van Zandt was not a proper substitute.

The Chair overruled the point of order.

The Van Zandt substitute was adopted by the following vote:

Yeas—21.

Beck.	Nelson.
Burns.	Oneal.
Collie.	Pace.
Cotten.	Poage.
Davis.	Redditt.
DeBerry.	Small.
Hill.	Stone.
Hornsby.	Van Zandt.
Isbell.	Westerfeld.
Martin.	Woodruff.
Neal.	

Nays—8.

Blackert.	Rawlings.
Holbrook.	Sanderford.
Hopkins.	Shivers.
Moore.	Sulak.

Absent.

Regan.

Absent—Excused.

Fellbaum.

The amendment as substituted was adopted by viva voce vote.

Amend H. B. No. 1, Section 18, subdivision "p," page 24, by adding on line 2 of said page, after the semi-colon, the following: "such permit shall also authorize the holder thereof to bottle, package or label wines purchased from wineries or wine manufacturers either within or without this State."

SHIVERS.

Read and adopted.

Amend H. B. No. 1 Section 18, paragraph "C," page 24 on next to the last line of said page, by striking out the comma after the word "pint," inserting a semi-colon and adding the following: "provided

that it shall be lawful for the holder of any such permit to sell to consumers only, and not for consumption on, at or near the premises where sold, in quantities of fifty-two gallons or less per sale, and for that purpose may break or open any container, receptacle or package, and transfer said wine to another container, receptacle or package of the same or different size."

SHIVERS.

Read and withdrawn by unanimous consent.

Senator Redditt was recognized for a privileged motion.

Senate Bill No. 28.

Senator Redditt moved that the Senate do not concur in House Amendments to S. B. No. 28 and asks for the appointment of a conference committee to adjust the differences between the two Houses.

The motion prevailed by viva voce vote.

Conference Committee.

The Chair appointed as conferees on the part of the Senate on S. B. No. 28 the following:

Senators Redditt, Rawlings, Hopkins, Stone and Pace.

House Bill No. 1.

Amend H. B. No. 1, Section 24, subdivision "F," page 40, by striking out on line 1 of said subdivision, the words and figures "fifty cents (50c)," and substituting in lieu thereof the words and figures "twenty-five cents (25c)."

SHIVERS.

Read.

Motion to Table.

Senator Oneal moved to table the amendment by Senator Shivers.

The motion to table prevailed by the following vote:

Yeas—19.

Beck.	Hill.
Blackert.	Hornsby.
Burns.	Isbell.
Collie.	Neal.
Cotten.	Nelson.
Davis.	Oneal.
DeBerry.	Pace.

Poage.
Small.
Van Zandt.

Westerfeld.
Woodruff.

Nays—9.

Holbrook.
Hopkins.
Moore.
Rawlings.
Redditt.

Sanderford.
Shivers.
Stone.
Sulak.

Present—Not Voting.

Martin.

Absent—Excused.

Fellbaum.

Regan.

Amend H. B. No. 1, Section 18, subdivision "G," page 25, by striking out all of line 12, after the word "fee" and the figures "\$150.00" on line 13, and inserting in lieu thereof the following: "for a beer and wine permit only shall be \$10.00. The fee for a permit for all liquors shall be \$150.00."

SHIVERS.

Read and pending.

Point of Order.

Senator Burns raised the point of order that the amendment was out of order as it had already been voted upon.

The Chair overruled the point of order.

Previous Question.

Senator DeBerry moved that the Senate order the previous question on the pending amendment and the third reading of the bill.

The motion was seconded.

The previous question was ordered by the following vote:

Yeas—15.

Blackert.
Burns.
Davis.
DeBerry.
Hill.
Hopkins.
Hornsby.
Nelson.

Oneal.
Pace.
Poage.
Rawlings.
Stone.
Van Zandt.
Westerfeld.

Nays—13.

Beck.
Collie.
Cotten.

Holbrook.
Isbell.
Martin.

Moore.
Redditt.
Sanderford.
Shivers.

Small.
Sulak.
Woodruff.

Absent.

Neal.

Absent—Excused.

Fellbaum.

Regan.

The pending amendment by Senator Shivers failed of adoption by viva voce vote.

H. B. No. 1 as amended was passed to third reading by the following vote:

Yeas—16.

Blackert.
Burns.
Cotten.
Davis.
DeBerry.
Hill.
Hornsby.
Neal.

Nelson.
Oneal.
Pace.
Poage.
Redditt.
Van Zandt.
Westerfeld.
Woodruff.

Nays—13.

Beck.
Collie.
Holbrook.
Hopkins.
Isbell.
Martin.
Moore.

Rawlings.
Sanderford.
Shivers.
Small.
Stone.
Sulak.

Absent—Excused.

Fellbaum.

Regan.

Senator Woodruff asked unanimous consent that Senator Small be allowed to speak for two minutes on the bill.

Unanimous consent was granted.

Senator Van Zandt moved to suspend the constitutional rule requiring bills to be read on three several days and put H. B. No. 1 on its third reading and final passage.

The motion lost, not having received the required two-thirds vote.

Yeas—16.

Beck.
Blackert.
Burns.
Cotten.
Davis.
DeBerry.
Hill.
Hornsby.

Neal.
Oneal.
Pace.
Poage.
Redditt.
Van Zandt.
Westerfeld.
Woodruff.

Nays—12.

Collie.	Rawlings.
Holbrook.	Sanderford.
Hopkins.	Shivers.
Isbell.	Small.
Martin.	Stone.
Moore.	Sulak.

Present—Not Voting.

Nelson.

Absent—Excused.

Fellbaum. Regan.

Reasons for Vote.

"This bill is not what I wanted. We have been here practically a month. For three days this bill has been before us. Rather than have this bill die and go over until the next session to clog up revenue bills and prevent their passage, I voted 'aye.' I hoped that passage of the liquor bill by the Senate, and either the concurrence by the House or the appointment of a conference committee to work out a good bill, would result today. Liquor sales without regulation or revenue have been going on in Texas for nearly two months and the Liquor Bill could have been passed."

HILL.

Reason for Vote on H. B. No. 1.

This bill is not what I wanted but we have been in session a month and rather than have this bill die and go over until the next session to clog up revenue bills and retard their passage, I voted "aye" with the hope that a conference committee can work out a good bill.

DeBERRY.

H. C. R. No. 12.

Senator Van Zandt moved that the Senate grant the request of the House for the appointment of a conference committee to adjust the differences between the House and Senate on H. C. R. No. 12.

The motion prevailed by viva voce vote.

House Bill No. 147.

Senator Woodruff received unanimous consent to suspend the regular order of business and take up H. B. No. 147.

The Chair laid before the Senate on its second reading the following bill:

H. B. No. 147, A bill to be entitled "An Act making an appropriation of \$259.44 to pay W. P. McLean, Jr., for twenty-four days attendance as Special Associate Justice of the Supreme Court of Texas, and to pay the sum of \$306.88, to Alvin C. Owsley for twenty-eight days attendance as Special Chief Justice of the Supreme Court of Texas, and declaring an emergency."

The rule requiring committee reports to lie over one day was suspended by unanimous consent.

The committee report recommending that the bill be not printed was adopted by unanimous consent.

The bill was read second time and passed to third reading.

On motion of Senator Woodruff the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 147 was put on its third reading and final passage by the following vote:

Yeas—30.

Beck.	Nelson.
Blackert.	Oneal.
Burns.	Pace.
Collie.	Poage.
Cotten.	Rawlings.
Davis.	Redditt.
DeBerry.	Regan.
Hill.	Sanderford.
Holbrook.	Shivers.
Hopkins.	Small.
Hornsby.	Stone.
Isbell.	Sulak.
Martin.	Van Zandt.
Moore.	Westerfeld.
Neal.	Woodruff.

Absent—Excused.

Fellbaum.

Read third time and finally passed by the following vote:

Yeas—30.

Beck.	Isbell.
Blackert.	Martin.
Burns.	Moore.
Collie.	Neal.
Cotten.	Nelson.
Davis.	Oneal.
DeBerry.	Pace.
Hill.	Poage.
Holbrook.	Rawlings.
Hopkins.	Redditt.
Hornsby.	Regan.

Sanderford. Sulak.
Shivers. Van Zandt.
Small. Westerfeld.
Stone. Woodruff.

Absent—Excused.

Fellbaum.

Recess.

On motion of Senator DeBerry the Senate at 6:15 o'clock p. m. recessed until 8 o'clock p. m. today.

APPENDIX.

Committee on Engrossed Bills.

Committee Room,
Austin, Texas, Oct. 12, 1935.
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 62 carefully examined and compared and find same correctly engrossed.

DAVIS, Chairman.

Committee Room,
Austin, Texas, Oct. 12, 1935.
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 58 carefully examined and compared and find same correctly engrossed.

DAVIS, Chairman.

Committee Room,
Austin, Texas, Oct. 12, 1935.
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 64 carefully examined and compared and find same correctly engrossed.

DAVIS, Chairman.

Committee Room,
Austin, Texas, Oct. 12, 1935.
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 49 carefully examined and compared and find same correctly engrossed.

DAVIS, Chairman.

Committee Room,
Austin, Texas, Oct. 12, 1935.
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 34 carefully examined and compared and find same correctly engrossed.

DAVIS, Chairman.

Committee Room,
Austin, Texas, Oct. 12, 1935.
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 70 carefully examined and compared and find same correctly engrossed.

DAVIS, Chairman.

Committee Room,
Austin, Texas, Oct. 12, 1935.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 52 carefully examined and compared and find same correctly engrossed.

DAVIS, Chairman.

Committee Room,
Austin, Texas, Oct. 12, 1935.
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 69 carefully examined and compared and find same correctly engrossed.

DAVIS, Chairman.

Committee Room,
Austin, Texas, Oct. 12, 1935.
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 37 carefully examined and compared and find same correctly engrossed.

DAVIS, Chairman.

Committee Room,
Austin, Texas, Oct. 12, 1935.
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 38 carefully examined and compared and find same correctly engrossed.

DAVIS, Chairman.

Committee Room,
Austin, Texas, Oct. 12, 1935.
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 32 carefully examined and compared and find same correctly engrossed.

DAVIS, Chairman.

Committee Room,
Austin, Texas, Oct. 12, 1935.
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. C. R. No. 7

carefully examined and compared and find same correctly engrossed.

DAVIS, Chairman.

Committee Room,

Austin, Texas, Oct. 12, 1935.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 27 carefully examined and compared and find same correctly engrossed.

DAVIS, Chairman.

Committee on Enrolled Bills.

Committee Room,

Austin, Texas, Oct. 14, 1935.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 52 carefully examined and compared and find same correctly enrolled.

POAGE, Chairman.

Committee Room,

Austin, Texas, Oct. 14, 1935.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Enrolled Bills have had S. B. No. 32 carefully examined and compared and find same correctly enrolled.

POAGE, Chairman.

Committee Room,

Austin, Texas, Oct. 14, 1935.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. C. R. No. 8 carefully examined and compared and find same correctly enrolled.

POAGE, Chairman.

Committee Room,

Austin, Texas, Oct. 14, 1935.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. C. R. No. 6 carefully examined and compared and find same correctly enrolled.

POAGE, Chairman.

Committee Room,

Austin, Texas, Oct. 14, 1935.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 70 carefully examined and compared and find same correctly enrolled.

POAGE, Chairman.

Committee Room,

Austin, Texas, Oct. 14, 1935.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 69 carefully examined and compared and find same correctly enrolled.

POAGE, Chairman.

Committee Room,

Austin, Texas, Oct. 14, 1935.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 29 carefully examined and compared and find same correctly enrolled.

POAGE, Chairman.

Committee Room,

Austin, Texas, Oct. 14, 1935.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 58 carefully examined and compared and find same correctly enrolled.

POAGE, Chairman.

Committee Room,

Austin, Texas, Oct. 14, 1935.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 49 carefully examined and compared and find same correctly enrolled.

POAGE, Chairman.

Committee Reports.

Committee Room,

Austin, Texas, Oct. 14, 1935.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

H. B. No. 78, A bill to be entitled "An Act providing for the creation of a fund to be known as the Industrial Revolving Fund of the Texas Prison System for the use of said system in the purchasing of supplies and materials for tag plant, shoe and print shop and other industries and delivery of finished products of said system; and providing for the payment into said fund by the State Treasurer out of monies remitted to him by the General Manager of the State Prison System; and providing for the depositing of said fund in equal amounts in the Huntsville Bank & Trust Company and the First

National Bank, all of Huntsville, Texas; and providing for reports of the condition of the Industrial Revolving Fund by the depositaries; and providing for the manner in which warrants may be drawn on said fund, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate, with the recommendation that it do pass, and be not printed, with Committee Amendment No. 1.

REDDITT, Chairman.

Committee Amendment No. 1.

Amend H. B. No. 78 by adding thereto a new section to be numbered _____ and to read as follows:

"Salary for manager of Central State Prison Farm

For the year ending August 31, 1936.....	\$3,150.00
For the year ending August 31, 1937.....	3,150.00

This is in lieu of the appropriation made for said position in the regular appropriation bill passed by the Forty-fourth Legislature, Regular Session."

Committee Room,

Austin, Texas, Oct. 14, 1935.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

H. B. No. 150, A bill to be entitled "An Act making an emergency appropriation for the use of the Secretary of State in paying the expenses connected with the publication of Constitutional amendments, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

REDDITT, Chairman

Committee Room,

Austin, Texas, Oct. 14, 1935.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

H. B. No. 113, A bill to be entitled "An Act making emergency appropriation of sixteen thousand, six hundred and twenty-eight dollars (\$16,628.00) to the West Texas State

Teachers College at Canyon, Texas, for the purpose of purchasing supplies and furnishing labor for the laying of water and gas mains and furnishing electrical wiring and appliances to the boys' dormitory and laying water, gas and sewer mains to the student cottages, located at said college, and purchasing and installing certain fire hydrants along said water mains, and the construction of a septic tank on such college premises, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate, with the recommendation that it do pass, and be not printed.

REDDITT, Chairman.

Committee Room,

Austin, Texas, Oct. 14, 1935.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. C. R. No. 18, A resolution providing "That the Enrolling Clerk of the House be instructed to change the word "June" to "January" in line eleven (11) of the caption of House Bill No. 129."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

PACE, Chairman.

Committee Room,

Austin, Texas, Oct. 14, 1935.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. B. No. 60, A bill to be entitled "An Act amending Sub-Section 5, of Section 1, Chapter 10, Acts of the First Called Session of the Forty-third Legislature; repealing all laws in conflict, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

PACE, Chairman.

Committee Room,

Austin, Texas, Oct. 14, 1935.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. B. No. 139, A bill to be entitled "An Act to amend Article 6795, Title 116, Chapter 5, of the Revised Civil Statutes of 1925, of the State of Texas, and to add to said chapter, Article 6795a, authorizing county commissioners courts situated within any county having not less than three hundred and fifty thousand (350,000) population, according to the last preceding Federal census, to construct, build, acquire, own, operate and maintain a toll underpass or tunnel in the State of Texas; and authorizing such commissioners courts to contract with a proper person, firm or private corporation to own, finance, build, construct, maintain and operate a toll underpass or tunnel and to grant a franchise for that purpose for a period of not to exceed fifty (50) years, with the right of eminent domain, authorizing the promulgation of reasonable traffic rules and regulations and fixing reasonable rates; repealing all laws or parts of laws in conflict with this Act, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

PACE, Chairman.

Committee Room,

Austin, Texas, Oct. 14, 1935.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Criminal Jurisprudence, to whom was referred

H. B. No. 93, A bill to be entitled "An Act amending Article 802, Penal Code of Texas, 1925, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

STONE, Chairman.

Committee Room,

Austin, Texas, Oct 12, 1935.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

H. B. No. 48, A bill to be entitled "An Act to add a new section to be

known as Section 16a to, and to amend Sections 1 and 7 of Senate Bill No. 43, Chapter 17, of the General and Special Laws passed by the Second Called Session of the Forty-third Legislature of the State of Texas, which Act relates to the issuance of bonds, notes, or warrants payable from revenues other than taxation, for the construction, maintenance, and operation of certain improvements in certain cities, and authorizing such cities to borrow money from the United States Government or other Federal agencies, or from any person, firm or corporation, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

BLACKERT, Chairman.

Committee Room,

Austin, Texas, Oct. 14, 1935.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Education, to whom was referred

H. B. No. 144, A bill to be entitled "An Act to amend Sections 6 and 7 of Chapter 24, Acts of the Regular Session of the Thirty-eighth Legislature, and declaring an emergency"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

COTTEN, Chairman.

Minutes of Committee Meeting.

Minutes of Committee on State Affairs, Held Oct. 11, 1935.

Called Meeting.

Present: Pace, Blackert, Collie, Cotten, DeBerry, Holbrook, Hopkins, Hornsby, Isbell, Martin, Oneal, Rawlings, Regan, Redditt, Shivers, Small, Stone, Sulak.

Absent — Excused: Fellbaum, Moore.

H. B. No. 14 was reported favorably with the recommendation that it do pass, with Committee Amendments Nos. 1, 2, and 3, and be not printed, by a viva voce vote.

ELIZABETH SUITER, Secretary.

In Memoriam

Senator Arthur Pope Duggan

SENATE RESOLUTION NO. 21.

WHEREAS, On Friday, September 6, 1935, Senator Arthur Pope Duggan passed to an untimely death; and

WHEREAS, His long and distinguished career, both as a private citizen and public official, marked him as an outstanding citizen of Texas; and

WHEREAS, Senator Duggan was a native Texan, born at San Marcos, September 21, 1876. He, with his parents, moved to San Saba when he was five years of age. There his father was a public official for many years. His grandfather was a member of the Legislature in the early days of Texas history; therefore he came of an ancestry devoted to public service; and

WHEREAS, Senator Duggan held a B.S. degree from A. & M. College of Texas, and an L.L.B. degree from Texas University; and

WHEREAS, Thirty-five years ago Mr. Duggan moved to Stamford, and later to Lamb County where he took charge of the interests of Major George W. Littlefield, owner of the 300,000 acre Yellowhouse Ranch, and whose niece, Miss Sarah Harral, Mr. Duggan married; and

WHEREAS, Senator Duggan was sixth President of the West Texas Chamber of Commerce and throughout his life lent his efforts not only to the development of his section, but to the development of all West Texas and to the welfare of the State at large; and

WHEREAS, Senator Duggan lived to see the development of an empire as a direct result of his pioneering in West Texas, having had a part in the miraculous conversion of millions of acres of land heretofore considered desert waste, into comfortable farms yielding abundant crops; and

WHEREAS, Texas business men have lost a friend who understood their problems; Texas school children have lost a sympathetic benefactor; and the masses of Texans have lost a friend whose capable service cannot easily be surpassed; now, therefore, be it

RESOLVED, That the Senate of the State of Texas mourns the loss of a most valuable member; that this resolution be printed in the Senate Journal as a testimonial to his memory; that a copy of same be mailed to each member of his family; and that when the Senate adjourns for the day, it do so in his honor.

NELSON,
HOLBROOK,
COTTEN,
BECK,
BLACKERT,
BURNS,
COLLIE,
DAVIS,
DeBERRY,
FELLBAUM,
HILL,

HOPKINS,
HORNSBY,
ISBELL,
MARTIN,
MOORE,
NEAL,
ONEAL,
PACE,
POAGE,
RAWLINGS,

REDDITT,
REGAN,
SANDERFORD,
SHIVERS,
SMALL,
STONE,
SULAK,
VAN ZANDT,
WESTERFELD,
WOODRUFF,

WOODUL, Lieutenant Governor.

Adopted unanimously by a rising vote.

NIGHT SESSION.

Senate Chamber,
Austin, Texas,
October 14, 1935.

After Recess.

The Senate met at 8:00 o'clock p. m., pursuant to recess, and was called to order by Lieutenant Governor Walter F. Woodul.

Senate Bill No. 23.

The regular order of business was S. B. No. 23 which was set as special order on the calendar.

House Bill No. 83.

Senator Burns asked unanimous consent to suspend the regular order of business and take up H. B. No. 83.

Objection was heard.

Senator Burns moved to suspend the regular order of business and take up H. B. No. 83.

The motion lost by the following vote:

Yeas—14.

Burns.	Rawlings.
Holbrook.	Redditt.
Hornsby.	Regan.
Martin.	Shivers.
Moore.	Small.
Neal.	Stone.
Nelson.	Woodruff.

Nays—8.

Blackert.	Oneal.
Collie.	Poage.
DeBerry.	Sanderford.
Isbell.	Sulak.

Present—Not Voting.

Hill.	Westerfeld.
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Absent.

Beck.	Hopkins.
Cotten.	Pace.
Davis.	Van Zandt.

Absent—Excused.

Fellbaum.

Senate Bill No. 23.

The Chair laid before the Senate the following bill which was special order:

By Senator Sanderford:

S. B. No. 23, A bill to be entitled "An Act creating a fund for old age assistance; granting old age assistance to resident citizens of the State of Texas over the age of 65 years and prescribing the qualifications prerequisite to such assistance; prescribing the requirements of applications therefor; providing for a hearing upon such application, the approval thereof and the placing of the name of the applicant upon the pension rolls; prescribing the time of payment of such assistance; how the amount thereof may be determined and the method in which the fund shall be allocated; providing for the administration of the fund to incompetent claimants; providing for the discontinuance of old age assistance where improperly granted; providing that such payments shall not be subject to debts, and making it an offense to obtain such assistance by false statements, etc., and prescribing penalty therefor; etc., and declaring an emergency."

Senator Hornsby moved to lay S. B. No. 23 on the table subject to call.

Motion pending.

Senator Hornsby was recognized to speak on his motion.

Motion to Adjourn.

Senator Poage, at 8:30 o'clock p. m., moved that the Senate adjourn until 10:00 o'clock a. m. Tuesday.

Senator Hopkins moved that the Senate recess until 10:15 o'clock a. m. Tuesday.

Senator Hopkins withdrew his motion to recess.

The motion to adjourn lost by the following vote:

Yeas—3.

Blackert.	Poage.
Davis.	

Nays—25.

Beck.	Isbell.
Burns.	Martin.
Collie.	Moore.
Cotten.	Neal.
DeBerry.	Nelson.
Hill.	Oneal.
Holbrook.	Rawlings.
Hopkins.	Redditt.
Hornsby.	Regan.

Sanderford.	Sulak.
Shivers.	Westerfeld.
Small.	Woodruff.
Stone.	

Absent—Excused.

Fellbaum.	Van Zandt.
Pace.	

Senate Bill No. 23.

Senator Hornsby withdrew his pending motion.

Laid on Table Subject to Call.

On motion of Senator Sanderford, S. B. No. 23 was laid on the table subject to call.

House Bill No. 125.

Senator Holbrook asked unanimous consent to suspend the regular order of business and take up H. B. No. 125.

Objection was heard.

Senator Holbrook moved to suspend the regular order of business to take up H. B. No. 125.

The motion lost, not having received the required two-thirds vote:

Yeas—18.

Beck.	Rawlings.
Burns.	Redditt.
Cotten.	Regan.
Holbrook.	Sanderford.
Hopkins.	Shivers.
Hornsby.	Small.
Isbell.	Stone.
Martin.	Sulak.
Neal.	Woodruff.

Nays—10.

Blackert.	Moore.
Collie.	Nelson.
Davis.	Oneal.
DeBerry.	Poage.
Hill.	Westerfeld.

Absent—Excused.

Fellbaum.	Van Zandt.
Pace.	

House Bill No. 43.

The Chair laid before the Senate on second reading H. B. No. 43 on the same subject as S. B. No. 14, which was set for special order on the calendar:

H. B. No. 43, A bill to be entitled "An Act relating to the compensa-

tion of district, and certain designated county and precinct officers and providing the method and means by which such officers shall be compensated for their services; providing for the appointment and payment of deputies, assistants and clerks in district, county, and precinct offices; limiting the payment of fees and commissions by the State in certain instances; requiring the keeping of books and records by such officers and the making of reports to designated authorities; etc., and declaring an emergency."

Read the second time.

Senator DeBerry was recognized and sent up the following amendments:

Amend H. B. No. 43 by striking out all below the enacting clause and inserting in lieu thereof the following:

Section 1. No district officer shall be hereafter paid by the State of Texas any fees or commission for any service performed by him; nor shall the State or any county pay to any county officer in any county containing a population of twenty thousand (20,000) inhabitants or more according to the last preceding Federal census any fee or commission for any service by him performed, as such officer, provided however that the assessor and collector of taxes shall continue to collect and retain for the benefit of the Officers Salary Fund hereinafter provided for, all fees and commissions which he is authorized under law to collect; and it shall be his duty to account for and to pay all such monies received by him into the fund created and provided for under the provisions of Section 4 of this Act; provided further, that the provisions of this section shall not affect the payment of costs in civil cases by the State, but all such costs so paid shall be accounted for by the officers collecting the same, as they are required under the provisions of this Act to account for fees, commissions and costs collected from private parties.

Sec. 2. The Commissioners Court of each county in the State of Texas, at its first regular meeting in January of each calendar year, shall, by order made and entered in the minutes of said Court, determine whether the precinct officers of such county (except public weighers)

shall be compensated on a salary basis as provided for in this Act, or whether they shall receive as their compensation, such fees of office as may be earned by them in the performance of the duties of their offices, subject to the limitations hereinafter provided; and it shall be the duty of the County Clerk of each such county to forward to the Comptroller of Public Accounts of the State of Texas on or before the 31st day of January a certified copy of such order. In counties having a population of less than twenty thousand (\$20,000) inhabitants according to the last preceding Federal census, it shall likewise be the duty of the Commissioners Court by its order duly made and entered of record at its first regular meeting in January of each calendar year, to determine whether county officers of such county (excluding county surveyors and notaries public) shall be compensated for that fiscal year on the basis of an annual salary or whether they shall be compensated on the basis of fees earned by them in the performance of their official duties, subject to the limitations of this Act and it shall also be the duty of the county clerk to forward to the Comptroller of Public Accounts of the State of Texas on or before the 31st., day of January a certified copy of said order of said Commissioners Court.

Sec. 3. In all cases where the Commissioners Court shall have determined that county officers or precinct officers in such county shall be compensated for their services by the payment of an annual salary, neither the State of Texas nor any county shall be charged with or pay to any of the officers so compensated, any fee or commission for the performance of any or all of the duties of their offices but such officers shall receive said salary in lieu of all other fees, commissions or compensation which they would otherwise be authorized to retain; provided, however, that the assessor and collector of taxes shall continue to collect and retain for the benefit of the Officers Salary Fund hereinafter provided for, all fees and commissions which he is authorized under law to collect; and it shall be his duty to account for and to pay all such monies received by him into the fund cre-

ated and provided for under the provisions of Section 4 of this Act; provided further, that the provisions of this section shall not affect the payment of costs in civil cases by the State but all such costs so paid shall be accounted for by the officers collecting the same, as they are required under the provisions of this act to account for fees, commissions and costs collected from private parties.

Sec. 4. In all counties of this State wherein the county or precinct officers are hereafter to be compensated on a salary basis under the provisions of this Act, there shall be created a fund to be known as the "Officers Salary Fund of _____ County, Texas," such fund shall be kept separate and apart from all other county funds, and shall be held and disbursed for the purpose of paying the salaries of officers and the salaries of deputies, assistants and clerks of officers who are drawing a salary from said fund under the provisions of this Act, and to pay the authorized expenses of their offices. Such fund shall be deposited in the County Depository and shall be protected to the same extent as other county funds.

Sec. 5. It shall be the duty of all officers to charge and collect all fees and commissions which he is permitted by law to assess and charge for any services by him performed. At the end of each month all officers drawing a salary from the Officers Salary Fund shall pay into such fund all fees, commissions and costs received by such officer in his official capacity. All fees, commissions and costs which have been due and payable for a period of more than six (6) months to any officer receiving a salary from the Officers Salary Fund shall be chargeable to said officer, and shall constitute a debt to said Officers Salary Fund within the meaning of Section 7 of this Act, provided, however, that costs of court which are secured by an adequate bond may be accounted for by such officer within six (6) months after the final disposition of the cause.

Sec. 6. (a) In counties wherein the county officials are on a salary basis, in addition to the monies deposited in said Officers Salary Fund under the provisions of Sections 1, 3 and 5 of this Act there shall be

deposited therein quarterly on the first day of January, April, July and October of each year, such sums as may be apportioned to such county under the provisions of this Act, out of the available appropriations made by the Legislature for such purposes, provided, however, that in counties wherein the Commissioners Court is authorized to determine whether county officers shall be compensated on a salary basis, no apportionment shall be made to such county until the Comptroller of Public Accounts shall have been notified of the order of the Commissioners Court that the county officers of such county shall be compensated on a salary basis for the fiscal year, and in that case the first quarterly payment of such apportionment shall be made in fifteen (15) days after receipt of such notice by the Comptroller, and the remaining payments on the dates hereinabove prescribed. It shall be the duty of the Comptroller of Public Accounts to annually apportion to all counties in which the county officers are to be compensated on the basis of a salary, any monies appropriated for said year for such apportionment; each county entitled to participate in such apportionment shall receive for the benefit of its Officers Salary Fund its proportionate part of the appropriation which shall be distributed among the several counties entitled to participate therein, on the basis of the per capita population of each county according to the last preceding Federal census; provided that the annual apportionment for such purpose shall not exceed ten (10c) cents per capita of said population of each county where county officers are compensated on a salary basis under the provisions of this Act. The quarterly payment of such apportionment of such appropriation shall be made on warrants drawn by the State Comptroller upon the state treasury payable to the county treasurer of the county in whose favor the apportionment is made and said warrants shall be registered by the Comptroller and the treasurer and shall be mailed by the Comptroller to the treasurer of the county.

(b) No officer receiving a salary shall hereafter receive any ex-officio compensation provided, however, the Commissioners Court shall be authorized to transfer from the Gen-

eral Fund of the County to the Officers Salary Fund of such county such funds as may be necessary to pay the salaries and other claims chargeable against such fund when the monies deposited to the credit of such fund are insufficient to meet the claims of same.

(c) Any monies remaining in the Officers Salary Fund of any county at the end of any fiscal year after all salaries and authorized expenses incurred against said fund for said year shall have been paid may be by order of the Commissioners Court transferred to the credit of the General Fund of the County.

Sec. 7. All monies drawn from said Officers Salary Fund shall be paid out only on vouchers approved by the County auditor in counties having a county auditor; otherwise all claims against said fund shall first have been audited and approved by the Commissioners Court of said County and the monies shall be disbursed on such approved claims by warrants drawn by the county treasurer on said fund.

No warrant shall be drawn on said fund in favor of any person indebted to the State, county or to said fund or in favor of his agent or assignee until such debt is paid.

Sec. 8. Article 3896, Revised Civil Statutes of Texas 1925, be and the same is hereby amended so as to hereafter read as follows:

"Article 3896. Each district, county and precinct officer shall keep a correct statement of all fees earned by him, and all sums coming into his hands as deposits for costs, together with all trust funds placed in the registry of the court, fees of office and commissions, in a book or in books to be provided him for that purpose, in which the officer at the time when such deposits are made or such fees and commissions are earned and when any or all of such funds shall come into his hands, shall enter the same; and it shall be the duty of the county auditor in counties having a county auditor to annually examine the books and accounts of such officers and to report his findings to the next succeeding grand jury of District Court; in counties having no county auditor, it shall be the duty of the Commissioners Court to make the examination of said books and accounts or have the same made and to make

report to the grand jury as hereinabove provided."

Sec. 9. Article 3897, Revised Civil Statutes of Texas 1925, as amended by Section 5, Chapter 20, Acts of the Fourth Called Session of the 41st. Legislature be and the same is hereby amended so as to hereafter read as follows:

"Article 3897. Each district, county and precinct officer, at the close of each fiscal year (December 31st.) shall make to the district court of the county in which he resides a sworn statement in triplicate (on forms designed and approved by the state auditor) a copy of which statement shall be forwarded to the state auditor by the clerk of the District Court of said county within (30) days after the same has been filed in his office and one copy to be filed with the county auditor, if any; otherwise said copy shall be filed with the Commissioners Court. Said report shall show the amount of all fees, commissions and compensations whatever earned by said officer during the fiscal year, and secondly, shall show the amount of fees, commissions and compensations collected by him during the fiscal year; thirdly, said report shall contain an itemized statement of all fees, commissions and compensation earned during the fiscal year which were not collected, together with the name of the party owing said fees, commissions and compensations. Said report shall show the number of deputies and assistants employed by him during the year and the amount paid or to be paid each. Said reports shall be filed not later than February first following the close of the fiscal year and for each day after said date that said report remains not filed, said officer shall be liable to a penalty of Twenty Five (\$25.00) Dollars which may be recovered by the County in a suit brought for such purposes, and in addition said officer shall be subject to removal from office."

Sec. 10. Article 3898, Revised Civil Statutes of Texas 1925, be and the same is hereby amended so as to hereafter read as follows:

"Article 3898. The fiscal year, within the meaning of this Act, shall begin on January first of each year; and each district, county and precinct officer shall file his report and make the final settlement required

in this act on January first of each year; provided, however, that officers receiving an annual salary as compensation for their services shall, at the close of each month, pay into the Officers Salary Fund, all fees, commissions and compensation collected by him during said month. Whenever such officer serves for a fractional part of the fiscal year, he shall nevertheless file his report and make final settlement for such part of the year as he serves and shall be entitled to such proportionate part of his compensation as the time for his service bears to the entire year."

Sec. 11. Article 3899, Revised Civil Statutes of Texas 1925, be and the same is hereby amended so as to hereafter read as follows:

"Article 3899. (a) At the close of each month of his tenure of office each officer named herein who is compensated on a fee basis shall make a part of the report now required by law, and itemized and sworn statement of all the actual and necessary expenses incurred by him in the conduct of his office, such as stationery, stamps, telephone, premiums on official bonds, traveling expenses and other necessary expenses. If such expenses be incurred in connection with any particular case, such statement shall name such case. Such expense account shall be subject to the audit of the county auditor, if any, otherwise by the Commissioners Court; and if it appears that any item of such expense was not incurred by such officer, or such item was not a necessary expense of office, such item shall be by such auditor or court rejected, in which case the collections of such item may be adjudicated in any court of competent jurisdiction. The amount of salaries paid to assistants and deputies shall also be clearly shown by such officer, giving the name, position and amount paid each; and in no event shall any officer show any greater amount than actually paid any such assistant or deputy. The amount of such expenses, together with the amount of salaries paid to assistants, deputies and clerks, where the officer receives a salary as compensation for his services, shall be paid out of the fund created in accordance with Section 4 of this Act; where the officer is compensated on the basis of fees earned by him, such deputies,

assistants and clerks shall be paid out of the fees earned by such officer. The Commissioners Court of the County of the sheriff's residence may, upon the written and sworn application of the sheriff stating the necessity therefor, allow one or more automobiles to be used by the sheriff in the discharge of his official duties, which if purchased by the County shall be bought in the manner prescribed by law for the purchase of supplies and paid for out of the general fund of the county, and they shall be and remain the property of the county. The expense of the maintenance, depreciation and operation of such automobiles as may be allowed, whether purchased by the county or owned by the sheriff or his deputies personally, shall be paid for by the sheriff, and the amount thereof shall be reported by the sheriff, on the report above mentioned, in the manner as herein provided for other expenses.

(b) Each officer named in this Act, where he receives a salary as compensation for his services, shall be empowered and permitted to purchase and have charged to his County all reasonable expenses necessary in the proper and legal conduct of his office, such expenses to be passed on, predetermined and allowed in kind and amounts, as nearly as possible, by the Commissioners' Court once each month for the ensuing month, upon the application of each officer, stating the kind, probable amount of expenditure and the necessity for the expenses of his office for such ensuing month, which application shall, before presentation to said Court, first be endorsed by the County Auditor, if any, otherwise the County Treasurer, only as to whether funds are available for payment of such expenses. Such purchases shall be made by each officer, when allowed, only by requisition in manner provided by the County Auditor, if any, otherwise by the Commissioners' Court. Each officer shall, at the close of each month of his tenure of office, make an itemized and sworn report of all approved expenses incurred by him and charged to his County, accompanying such report with invoices covering such purchases and requisitions issued by him in support of such report. If such expenses be

incurred in connection with any particular case, such report shall name such case. Such report, invoices and requisitions shall be subject to the audit of the County Auditor, if any, otherwise by the Commissioners Court, and if it appears that any item was not incurred by such officer, or that such item was not a necessary or legal expense of such office, or was not allowed or predetermined as herein set out, or purchased upon proper requisition, such item shall be by said County Auditor or Court rejected, in which case the payment of such item may be adjudicated in any court of competent jurisdiction. All such approved claims and accounts shall be paid from the Officers Salary Fund unless otherwise provided herein.

No expenses shall be approved, allowed or paid, for any purchase made or debt incurred by any officer or deputy when out of the County of his residence, except when such expense is incurred by the execution of legal process issued by authority of a court of Competent jurisdiction, or when such officer or his deputies are in actual pursuit of a fugitive from justice escaping from the County of the officer's residence. Whenever, in the judgment of the Commissioners Court, or the County Judge if the Commissioners' Court is not in session, upon application of the proper officer, it is necessary for any officer or his deputy to make investigation of crime committed within the County of the officer's residence, when such investigation must be made out of the County of the Officer's residence he may be allowed such expenses as are reasonable and proper for such purpose, provided such expenses shall be reported, audited and accounted for, as herein provided.

The Commissioners Court of the County of the sheriff's residence may, upon the written and sworn application of such officer, stating the necessity therefor, allow one or more automobiles to be used by the sheriff in the discharge of official business, which, if purchased by the County shall be bought in the manner prescribed by law for the purchase of supplies and paid for out of the General Fund of the County, and they shall be reported and paid in the same manner as herein provided for other expenses.

Where the automobile or automobiles, allowed by the Commissioners Court are owned by the sheriff or his deputies, they shall be allowed four (4) cents for each mile traveled in the discharge of official business, which sum shall cover all expenses of the maintenance, depreciation and operation of such automobile. Such mileage shall be reported and paid in the same manner prescribed for other allowable expenses under the provisions of this Section. No automobile shall be allowed for any deputy sheriff except those regularly employed in outside work. It shall be the duty of the County Auditor, if any, otherwise the Commissioners Court, to check the speedometer reading of each of said automobiles owned by the County once each month and to keep a public record thereof; no automobile owned by the County shall be used for any private purpose."

Sec. 12. Article 3901, Revised Civil Statutes of Texas 1925, be and the same is hereby amended so that the same will hereafter read as follows:

"Article 3901. Each assessor and collector of taxes, at the time of his settlement with the Comptroller of Public Accounts of the State of Texas, shall file with the Comptroller a copy of the sworn statement required under Article 3897 as herein amended."

Sec. 13. All district and criminal district attorneys shall receive an annual salary of Thirty Six Hundred (\$3600.00) Dollars which shall include the Constitutional salary of Five Hundred (\$500.00) Dollars, and all county attorneys in counties having no district attorney shall receive an annual salary of Thirty Three Hundred (\$3300.00) Dollars, such salaries to be payable in equal monthly installments from the treasury of the State of Texas on warrants drawn by the Comptroller of Public Accounts against appropriations available for the payment thereof. Such officers shall have the authority to employ such assistants, investigators and clerks as may be provided for by the Legislature in the appropriations bill for the support and maintenance of such offices or as may be allowed by the Commissioners Court as hereinafter provided.

In all counties where the district attorney or criminal district attorney also perform the duties of county attorney, all fees, commissions or compensation of whatever nature other than the salaries herein provided for, shall be by him accounted for and paid into the general Fund of the county; provided under such circumstances the Commissioners Court of the County may, in accordance with and subject to the limitations contained in the provisions of Article 3902 as herein amended authorize the appointment of assistants, investigators and clerks in addition to those whose compensation is paid by the State; such additional assistants, investigators and clerks shall be paid their compensation out of the General Fund of the county.

Sec. 14. All district attorneys when engaged in the discharge of their official duties in any county in this State other than the county of their residence shall be allowed their necessary expenses while actually engaged in the discharge of such duties, not to exceed Four (\$4.00) Dollars per day for hotel bills, and not to exceed four (4c) cents per mile in going to and returning from the place where such duties are discharged traveling by the nearest practical route. Such officers shall also receive the actual and necessary postage, telegraph, premiums on official bonds and telephone expenses incurred by them in the actual discharge of their duties. Postage, telegraph, bond premiums and telephone expenses incurred by criminal district attorneys or by county attorneys performing the duties of district attorneys shall be paid from the General Fund of the County; such expenses of district attorneys shall be paid by the State upon the sworn and itemized account of each district attorney. Expense accounts for traveling expenses shall be itemized and sworn to by the officer claiming the same, and the same shall be paid by the State on such accounts. In districts containing more than one county, such expenses shall never exceed in any one year One Hundred (\$100.00) Dollars for each county in the district; provided that no officer shall receive more than Six Hundred (\$600.00) Dollars in any one county under the provisions of this Section. The account for said

services shall be recorded in the official minutes of the District Court of the County in which such officer resides.

Sec. 15. The Commissioners Court in counties having a population of twenty thousand (20,000) inhabitants or more according to the last preceding Federal census is hereby authorized and it shall be its duty to fix the salaries of all of the following named officers other than county attorneys performing the duties of district attorneys. Such salaries shall be fixed as herein provided within the following limitations:

1. In counties containing twenty thousand (20,000) inhabitants or more and not exceeding twenty five thousand (25,000) inhabitants, county judge, sheriff, county clerk, county attorney, district clerk, assessor and collector of taxes, not less than Twenty One Hundred (\$2100) Dollars nor more than Three Thousand (\$3,000.00) Dollars each.

2. In counties containing as many as twenty-five thousand and one (25,001) and not more than thirty seven thousand five Hundred (37,500) inhabitants, and in which there is no city containing twenty-five thousand (25,000) inhabitants, county judge, sheriff, county clerk, county attorney, district clerk, assessor and collector of taxes not less than Twenty Five Hundred (\$2500.00) Dollars each nor more than Thirty Five Hundred (\$3500.00) Dollars each.

3. In counties containing as many as thirty seven thousand five hundred and one (37,501) and not more than sixty thousand (60,000) inhabitants, or containing a city of twenty five thousand (25,000) inhabitants, county judge, sheriff, county clerk, county attorney, district clerk, assessor and collector of taxes, not less than Thirty Two Hundred (\$3200.00) Dollars nor more than Forty Two Hundred Fifty (\$4250.00) Dollars each.

4. In counties containing sixty thousand and one (60,001) and not more than one hundred thousand (100,000) inhabitants, county judge, sheriff, county clerk, county attorney, district clerk, assessor and collector of taxes, not less than Thirty Seven Hundred (\$3700.00) Dollars

nor more than Forty Seven Hundred Fifty (\$4750.00) Dollars each.

5. In counties containing one hundred thousand and one (100,001) and not more than one hundred and fifty thousand (150,000) inhabitants, county judge, sheriff, county clerk, county attorney, district clerk, assessor and collector of taxes, not less than Forty Two Hundred (\$4200.00) Dollars nor more than Fifty Five Hundred (\$5500.00) Dollars each.

6. In counties containing as many as one hundred and fifty thousand and one (150,001) or more inhabitants, county judge, sheriff, county clerk, county attorney, district clerk, assessor and collector of taxes, not less than Five Thousand (\$5000.00) Dollars nor more than Sixty Five Hundred (\$6500.00) Dollars each.

Provided, however, that the salaries to be fixed by the Commissioners Court for the above named officers for the fiscal year beginning January 1st., 1936 shall not be less than ninety (90%) per cent. of the compensation earned, collected and retained by such officer for the fiscal year ending December 31st., 1935, and not to exceed ten (10%) per cent more than such compensation for the fiscal year ending December 31st., 1935, but in no event to exceed the maximum salary allowed under the provisions of Art. 3883 as amended by Chapter 220 of the General Laws of Regular Session of the 43rd. Legislature. The commissioners Court shall determine the amount of compensation earned, collected and retained by each such officer for the fiscal year ending December 31st., 1935, and shall enter such findings in the minutes of said court and notify the officer concerned of its findings prior to the fixing of his salary as hereinabove provided.

The compensation herein fixed for the sheriff of any county shall be exclusive of any reward received for the apprehension of criminal fugitives from justice and rewards received for the recovery of stolen property.

Sec. 16. Article 3902, Revised Civil Statutes of Texas 1925, together with all amendments thereto is hereby amended so as to hereafter read as follows:

"Article 3902. Whenever any dis-

strict or county officer shall require the services of deputies, assistants or clerks in the performance of his duties he shall apply to the County Commissioners Court of his county for authority to appoint such deputies, assistants or clerks, stating by sworn application the number needed, the position to be filled and the amount to be paid. Said application shall be accompanied by a statement showing the probable receipts from fees, commissions and compensation to be collected by said office during the fiscal year and the probable disbursements which shall include all salaries and expenses of said office; and said court shall make its order authorizing the appointment of such deputies, assistants and clerks and fix the compensation to be paid them within the limitations herein prescribed and determine the number to be appointed as in the discretion of said court may be proper; provided that in no case shall the Commissioners Court or any member thereof attempt to influence the appointment of any person as deputy, assistant or clerk in any office. Upon the entry of such order the officers applying for such assistants, deputies or clerks shall be authorized to appoint them; provided that said compensation shall not exceed the maximum amount hereinafter set out. The maximum compensation which may be allowed to the deputies, assistants or clerks above named for their services shall be as follows:

1. In counties having a population of twenty five thousand (25,000) or less inhabitants, first assistant or chief deputy not to exceed Eighteen Hundred (\$1800.00) Dollars per annum; other assistants, deputies or clerks not to exceed Fifteen Hundred (\$1500) Dollars per annum each.

2. In counties having a population of twenty five thousand and one (25,001) and not more than thirty-seven thousand five hundred (37,500) inhabitants, first assistant or chief deputy not to exceed Two Thousand (\$2,000.00) Dollars per annum; other assistants, deputies or clerks not to exceed Seventeen Hundred (\$1700.00) Dollars per annum each.

3. In counties having a population of thirty-seven thousand five

hundred and one (37,501) and not more than sixty thousand (60,000) inhabitants, first assistant or chief deputy not to exceed Twenty-one Hundred (\$2100.00) Dollars per annum; other assistants, deputies or clerks not to exceed Eighteen Hundred (\$1800.00) Dollars per annum each.

4. In counties having a population of sixty thousand and one (60,001) and not more than one hundred thousand (100,000) inhabitants, first assistant or chief deputy not to exceed Twenty Four Hundred (\$2400.00) Dollars per annum; other assistants, deputies or clerks not to exceed Twenty-one Hundred (\$2100.00) Dollars per annum each.

5. In counties having a population of one hundred thousand and one (100,001) and not more than one hundred and fifty thousand (150,000) inhabitants, first assistant or chief deputy not to exceed Twenty-six hundred (\$2600.00) Dollars per annum; other assistants, deputies or clerks not to exceed Twenty-three Hundred (\$2300.00) Dollars per annum each.

6. In counties having a population of one hundred fifty thousand and one (150,001) or more inhabitants, first assistant or chief deputy not to exceed Three Thousand (\$3000.00) Dollars per annum; other assistants, deputies or clerks not to exceed Twenty-Four Hundred (\$2400.00) Dollars per annum each.

The Commissioners Court shall constitute a Board of Classification for the purpose of classifying the types of deputies, assistants or clerks required by officers under the provisions of this Act. Salaries allowed by the Commissioners Court for assistants, deputies and clerks shall be determined on the class and type of work to be performed by such assistant, deputy or clerk and the Commissioners Court shall have the authority to fix such salary at any sum less than the maximum hereinabove prescribed.

Sec. 17. In counties having a population of less than Twenty thousand (20,000) inhabitants, according to the last preceding Federal census wherein the Commissioners Court shall have determined in accordance with the provisions of Section 2 of this Act that the county officers of such counties (excluding the county

surveyor and notaries public) shall receive as their compensation an annual salary in lieu of such fees and commissions as might otherwise be retained by such officers, the Commissioners Court shall fix the salaries of all such county officers (other than county attorneys performing the duties of district attorney) within the amounts and subject to the limitations hereinafter prescribed.

1. In counties containing ten thousand (10,000) inhabitants or more and less than twenty thousand (20,000) inhabitants, the county judge, sheriff, county clerk, county attorney, district clerk, assessor and collector of taxes, not less than Eighteen Hundred (\$1800.00) Dollars and not more than Twenty Seven Hundred Fifty (\$2750.00) Dollars per annum each.

2. In counties containing less than ten thousand (10,000) inhabitants, county judge, sheriff, county clerk, county attorney, district clerk, assessor and collector of taxes, not less than Twelve Hundred (\$1200.00) Dollars and not more than Twenty Four Hundred (\$2400.00) Dollars per annum each.

Sec. 18. In counties having a population of less than twenty thousand (20,000) inhabitants according to the last preceding Federal census, all county officers (except county attorneys performing the duties of district attorneys) shall continue to be compensated for their services on a fee basis until the Commissioners Court shall have determined otherwise, in accordance with the provisions of Section 2 of this Act.

The annual fees that may be retained by the following named county officers in such counties shall be as follows:

In counties containing less than twenty thousand (20,000) inhabitants, according to the last preceding Federal census, county judge, sheriff, county clerk, county attorney, district clerk, assessor and collector of taxes, Twenty Four Hundred (\$2400.00) Dollars per annum each, provided however, each officer named in this section shall first, out of the current fees of his office, pay or be paid the amount allowed him as above set out, together with the salaries of his assistants and deputies and authorized expenses under Article 3899, as herein amended, and

the amount necessary to cover costs of premium on whatever surety bond may be required by law. If the current fees of such office collected in any year be more than the amount needed to pay the amounts above specified, the same shall be deemed excess fees and shall be disposed of as hereafter provided.

In all such counties the county officers named herein shall retain one-third ($1/3$) of such excess fees until such one-third ($1/3$) amounts to the sum of Six Hundred (\$600.00) Dollars.

All current fees earned and collected by the above named county officers during any fiscal year over and above the maximum and excess allowed by this Act for their services and for the services of their deputies and assistants and for the payment of authorized expenses, together with all delinquent fees collected and not used to pay the salaries of deputies and assistants when current fees are insufficient, shall be paid into the County Treasury in the county where the excess accrues.

Any officer mentioned in this section who does not collect the maximum amount of his fees for any fiscal year, and who reports delinquent fees for that year, shall be entitled to retain when collected such part of such delinquent fees as is sufficient to complete his first maximum herein provided for the year in which his delinquent fees were charged, and also retain one-third ($1/3$) of the amount of excess fees herein authorized within the limitations heretofore prescribed, and the remainder of the delinquent fees for that fiscal year shall be paid as herein provided for when collected. In the event the officer earning the fees that are delinquent has not collected the same within twelve months after he ceases to hold office, the amount of fees collected shall be paid into the county Treasury.

Sec. 19. (a) The term "Precinct Officers" as used in this Act means justices of the peace and constables.

In all counties in this State such precinct officers shall continue to be compensated for their services on a fee basis until the Commissioners Court shall have determined otherwise in accordance with the provisions of Section 2 of this Act.

The Annual fees that may be retained by any such precinct officer shall be as follows:

1. In counties containing twenty-five thousand (25,000) inhabitants, or less according to the last preceding Federal census, Justice of the peace and constable, Twelve Hundred (\$1200.00) Dollars each.

2. In counties containing as many as twenty five thousand and one (25,001) and not more than thirty-seven thousand five hundred (37,500) inhabitants, according to the last preceding Federal census, justice of the peace and constable Fifteen Hundred (\$1500.00) Dollars each.

3. In counties containing as many as thirty-seven thousand five hundred and one (37,501) inhabitants and not more than sixty thousand (60,000) inhabitants, according to the last preceding Federal census, justice of the peace and constable Eighteen Hundred (\$1800.00) Dollars each.

4. In counties containing sixty thousand and one (60,001) and not more than one hundred thousand (100,000) inhabitants according to the last preceding Federal census, justice of the peace and constable Twenty-one Hundred (\$2100.00) Dollars each.

5. In counties containing one hundred thousand and one (100,001) and not more than one hundred fifty thousand (150,000) inhabitants, according to the last preceding Federal census, justice of the peace and constable twenty five hundred (\$2500.00) Dollars each.

6. In counties containing as many as one hundred fifty thousand and one (150,001) inhabitants or more, according to the last preceding Federal census, justice of the peace and constable Three Thousand (\$3,000.00) Dollars each.

Justices of the peace and constables shall also receive and retain one-third ($\frac{1}{3}$) of excess fees, as said term is defined in Section 18 of this Act until such one-third ($\frac{1}{3}$) shall amount to the sum of Six Hundred (\$600.00) Dollars.

All fees and commissions earned by such official shall be applied first, to the payment of his deputies, authorized expenses of his office and to make up the first maximum hereinabove provided for such officers.

All fees and commissions over and above the amount necessary to pay authorized expenses, deputies salaries and to make up the maximum compensation above provided for shall be deemed excess fees, and all excess fees not permitted to be retained shall be paid into the General Fund of the county.

Delinquent fees may be used to defray the salaries of deputies if current fees are insufficient for that purpose; and may also be used to make up the maximum compensation, exclusive of excess fees, allowed to such officers for the fiscal year within which such fees were earned. Delinquent fees collected in excess of the amounts above provided for shall be paid by such officer into the General fund of the county.

In counties wherein the Commissioners Court shall have determined that precinct officers shall be compensated on an annual salary basis, but wherein they have determined that county officers shall not be so compensated, the Officers Salary Fund of said county shall be composed and made up of fees, commissions and other compensation collected by the precinct officers of such county and deposited in said fund, and such funds as may be transferred to said fund by the Commissioners Court of the county.

(b) In counties where it shall have been determined that precinct officers shall be compensated on an annual salary basis it shall be the duty of the Commissioners Court of such county to fix the salary allowed to such officers, within the first maximum amount of fees, allowed to be retained by such officers in counties of the population bracket of the county affected, as provided in Section 19 (a) above, and all fees and commissions earned by said officer, or officers, during the period for which they receive a salary as compensation, shall be than paid into the Officers Salary Fund of the county.

Where it shall have been determined by the Commissioners Court that precinct officers shall be compensated by the payment of an annual salary, such officers shall receive their compensation out of the Officers Salary Fund for such county; provided, however, that no more than

four (4) justices of the peace and no more than four (4) constables shall be paid a salary out of the Officers Salary Fund for any one county; if there be more than four (4) justices of the peace or more than four (4) constables to be compensated on a salary basis within the county, the Commissioners Court shall designate the four (4) justices of the peace and the four (4) constables to receive their salaries out of the Officers Salary Fund of the County, and the other justices of the peace or other constables shall be paid their salaries out of the General Fund of the County.

In counties in which precinct officers are paid a salary as compensation for their services, any constable desiring to appoint one or more deputies shall make application to the Commissioners Court for authority to appoint such deputy or deputies, in the manner and form prescribed for applications for deputy county officers by Article 3902, Revised Civil Statutes 1925, as amended within the provisions of this Act; The Commissioners Court shall not authorize the appointment of any deputy constable at a salary exceeding Fifteen Hundred (\$1500.00) Dollars per year. The salaries of deputies authorized to be appointed under the provisions of this paragraph shall be paid out of the Officers Salary Fund, or out of the General Fund, as the salary of the principal precinct officer in such county is paid.

In counties wherein the county officers named in this Act are compensated on the basis of an annual salary, the State of Texas shall not be charged with and shall not pay any fee or commission to any precinct officer for any services by him performed but said officer shall be paid by the County out of the Officers Salary Fund such fees and commissions as would otherwise be paid him by the State for such services."

Sec. 20. The County Judge of each county in this State in which the offices named in this Act receive a salary as compensation for his services, in his capacity as Budget Officer of his county, shall during the month of November of each year and prior to the 15th day of said month, assisted by the County Auditor, if

any, prepare a budget to cover all proposed expenditures for all the officers named in this Act when said officer receives a salary as compensation for his services, including said officers, salaries, the salaries of their deputies and all expenses that may be anticipated for the conduct of their offices, for the ensuing year beginning the first day of January immediately following. Such budget shall show, as nearly as possible, the revenues to be received and deposited, as provided in Section 4 of this Act, in the Officers Salary Fund, whether from fees or by transfers from the General Fund of the County to be made within the discretion of the Commissioners Court as provided for herein, and shall show the amounts budgeted for the payment of the salaries of said officers, their deputies and expenses necessary for the conduct of their offices and the performance of their legal duties. In the preparation of such budget the County Judge, and County Auditor, if any, shall make such investigation as may be deemed necessary and shall also have authority to require any of said officers or officers-elect to furnish any information concerning his office as may be necessary in the preparation of said budget.

Prior to the 15th day of December of each year the County Commissioners Court shall provide for a public hearing on the proposed budget, after notice in some paper of general circulation in the county. Any citizen of such county shall have the right to be present and participate in said hearing. Prior to the 20th day of December of each year the budget shall be acted upon by the Commissioners Court, and the Court in entering its order shall take into consideration any and all information obtained, and may make such changes in the proposed budget as it may deem advisable for the interests of the people. When the budget for the said offices has been finally approved by the Commissioners Court the order approving same, together with a copy of the budget, shall be filed with the Clerk of the County Court, and a certified copy thereof filed in the office of the State Comptroller. The expenditures of the officers shall be in strict conformity with the budget adopted by the Com-

missioners Court; provided and except, however, that the Commissioners Court is authorized to make, from time to time such amendments increasing appropriations provided for in such budget as are in the judgment of the Court necessary, and no additional expense and/or change in the expenditures may be made until after such expense and/or change has been authorized by the Court. In every case where the budget is amended by the Court the order amending same shall state fully the reasons and the necessity for such amendment; and a copy of same shall be filed with the Clerk of the County Court and attached to the budget originally adopted.

Sec. 21. Any unexpended balance in the appropriation made by the Regular Session of the Forty-Fourth Legislature, for the payment of fees and costs of sheriffs, attorneys and clerks in felony cases, fees of county judges, county attorneys, justices of the peace, sheriffs and constables in examining trials actually held and where indictments are returned, in the sum of Five Hundred Fifty Thousand (\$550,000) Dollars for each of the fiscal years ending August 31st., 1936 and August 31st., 1937 in addition to the purposes therein specified is hereby appropriated and authorized to be disbursed by the Comptroller and Treasurer in the payment of any apportionment which may become due to any counties in this State under the provisions of this Act for the fiscal year for which the appropriation is available.

Sec. 22. The provisions of this Act shall become effective January 1st., A. D., 1936.

Sec. 23. All general and special laws fixing or attempting to fix compensation of officers enumerated herein or the salaries or number of deputies, assistants or clerks are hereby in all things repealed. It is hereby declared to be the intention of the Legislature that the compensation, limitations and maximums fixed in this Act for officers, deputies, assistants and clerks, control over any other provisions contained in laws, general or special, and all such laws and all other laws inconsistent with the provisions hereof shall be in all things repealed and held for naught.

Sec. 24. The provisions of this Act shall be severable and if any section, sub-section, sentence or clause of the same shall be held to be unconstitutional or invalid for any reason, the same shall not be construed to effect the validity of any of the remaining provisions of this Act. It is hereby declared as the Legislative intent that this Act would have been adopted had such invalid provision not been included therein.

Sec. 25. The fact that the people of Texas adopted at an election held on the fourth Saturday in August, a constitutional amendment making it mandatory that constitutional county officers in counties having a population of twenty thousand (20,000) inhabitants or more according to the last preceding Federal census be compensated solely on a salary basis from and after the first day of January, 1936, creates in view of the brevity of the present session, an emergency and an imperative public necessity requiring that constitutional rule that bills shall be read on three several days in each House be suspended and the same is hereby suspended, and that this Act shall take effect and be in force from and after its passage and it is so enacted.

DeBERRY.

Pending.

Amend H. B. No. 43 by striking out all above the enacting clause and inserting in lieu thereof the following:

A BILL

To Be Entitled

An Act relating to the compensation of district, certain designated county and precinct officers and providing the method and means by which such officers shall be compensated for their services; providing for the appointment and payment of deputies, assistants and clerks in district, county and precinct offices; limiting the payment of fees and commissions by the State in certain instances; requiring the keeping of books and records by such officers and the making of reports to designated authorities; providing for the creation of an "Officers Salary Fund" in certain counties and providing for the contribution to such fund by the State and County; prescribing rules and regulations for the

collecting, depositing, keeping and disbursing of said fund and the purposes for which same may be disbursed; providing for the disposition of fees and commissions collected by officers; making an appropriation; providing that this act shall become effective on and after January 1st., 1936; repealing all laws or parts of laws, special or general, inconsistent with the provisions of this act, and declaring the policy and intention of the Legislature thereto; declaring the Act to be severable; and declaring an emergency.

DeBERRY.

Pending.

Senator Burns moved to lay on the table subject to call H. B. No. 43 and the pending amendments by Senator DeBerry.

The motion prevailed by the following vote:

Yeas—18.

Beck.	Neal.
Burns.	Nelson.
Cotten.	Rawlings.
Holbrook.	Regan.
Hopkins.	Sanderford.
Hornsby.	Shivers.
Isbell.	Small.
Martin.	Stone.
Moore.	Sulak.

Nays—11.

Blackert.	Poage.
Davis.	Redditt.
Collie.	Van Zandt.
DeBerry.	Westerfeld.
Hill.	Woodruff.
Oneal.	

Absent—Excused.

Fellbaum. Pace.

House Bill No. 83.

The Chair laid before the Senate H. B. No. 83 which had been read the second time.

H. B. No. 83, A bill to be entitled "An Act fixing the compensation of district attorneys in judicial districts composed of two (2) or more counties; providing that this Act shall not deprive such district attorneys of their expense allowance; providing for the disposition of fees; commissions and perquisites earned and

collected by such district attorneys; providing that nothing in this Act shall affect the laws now in existence with reference to assistance district attorneys, investigators and stenographers, and declaring an emergency."

The question recurred on the adoption of the pending amendment by Senator Sulak to the pending Burns amendment.

Senator Sulak was recognized to discuss the amendment.

Points of Order.

Senator Burns raised the point of order that the Senator from Fayette was not discussing the amendment but the merits of the bill.

The Chair sustained the point of order.

Senator Holbrook raised the point of order that the Senator was using dilatory tactics and had admitted as much and called on the Chair to give him one warning and on the second offense to take him off the floor.

Senator Poage raised the point of order that he could not intelligently vote on the amendment until Senator Sulak had fully discussed the officer's need for a salary of \$4,000.

The Chair ruled the point of order out of order.

Senator Holbrook raised the point of order that Senator Sulak was discussing extraneous matter and was filibustering.

The Chair requested Senator Sulak to discuss only the pending amendment.

Motion to Table.

Senator Burns moved to table the pending amendment by Senator Sulak.

Substitute Motion.

Senator Woodruff as a substitute moved to lay on the table subject to call H. B. No. 83 and pending amendments.

The substitute motion lost by the following vote:

Yeas—9.

Blackert.	Poage.
Hornsby.	Sulak.
Isbell.	Westerfeld.
Neal.	Woodruff.
Oneal.	

Nays—19.

Beck.	Nelson.
Burns.	Rawlings.
Collie.	Redditt.
Cotten.	Regan.
Davis.	Sanderford.
Hill.	Shivers.
Holbrook.	Small.
Hopkins.	Stone.
Martin.	Van Zandt.
Moore.	

Present—Not Voting.

DeBerry.

Absent—Excused.

Fellbaum. Pace.

The motion to table the Sulak amendment prevailed by the following vote:

Yeas—22.

Beck.	Moore.
Burns.	Neal.
Collie.	Nelson.
Cotten.	Rawlings.
Davis.	Redditt.
Hill.	Regan.
Holbrook.	Sanderford.
Hopkins.	Shivers.
Hornsby.	Small.
Isbell.	Stone.
Martin.	Van Zandt.

Nays—7.

Blackert.	Sulak.
DeBerry.	Westerfeld.
Oneal.	Woodruff.
Poage.	

Absent—Excused.

Fellbaum. Pace.

The pending amendment by Senator Burns was adopted by the following vote:

Yeas—21.

Beck.	Neal.
Burns.	Nelson.
Collie.	Rawlings.
Cotten.	Redditt.
Davis.	Regan.
Hill.	Sanderford.
Holbrook.	Shivers.
Hopkins.	Small.
Hornsby.	Stone.
Martin.	Woodruff.
Moore.	

Nays—5.

Blackert.	Poage.
DeBerry.	Sulak.
Oneal.	

Present—Not Voting.

Isbell.	Westerfeld.
Van Zandt.	

Absent—Excused.

Fellbaum. Pace.

Amendment.

Amend H. B. No. 83 by adding a new section to be known as Section 1(a) to read as follows:

"In counties containing as many as 100,000 inhabitants and not more than 150,000 inhabitants, according to last preceding census, the district attorney, criminal district attorney, or county attorney, who performs the duties of district and/or criminal district attorney and whose district is composed of one county only, shall receive an annual salary of \$5,500.00, to be paid in 12 monthly installments upon warrants drawn by the Comptroller of Public Accounts upon the State Treasury."

SHIVERS.

Read and pending.

Amend Shivers amendment by changing 100,000 to 125,000 wherever it occurs.

POAGE.

Read and adopted.

The amendment by Senator Shivers as amended was adopted by viva voce vote.

Amendment.

Amend H. B. No. 83 by adding the following at the end of Section 1:

"Provided that in all judicial districts consisting of only one court and containing a population of less than one hundred twenty-five thousand (125,000) inhabitants the district attorney and/or criminal district attorney of such district shall receive the salary of \$4,000.00 per year."

COLLIE.

Read and pending.

Substitute for Collie amendment to H. B. No. 83, in line 42, on page 1, by adding after the word "year" the following:

"And all other district attorneys and criminal district attorneys shall

receive the sum of \$4,500.00 per year."

VAN ZANDT.

Read.

Senator Hill sent up the following amendment to the substitute:

Amend Van Zandt substitute by adding:

"Provided criminal district attorneys in counties having a population of less than 25,000 population, according to last preceding Federal census, and a taxable valuation in excess of \$60,000,000.00, according to last approved tax roll shall be paid \$5,000.00 per year."

HILL.

Read.

The amendment by Senator Hill to the substitute was adopted by viva voce vote.

Amend Van Zandt substitute for Collie amendment H. B. No. 83, by adding a new section, which shall read as follows:

"Provided that in all counties having a population of 77,777 and not more than 90,000, according to the last preceding Federal census, in which said county there are three district courts with criminal jurisdiction, and the venue of many State cases are specially fixed in said county, the district attorney shall receive a salary of \$5,000.00 per annum, to be paid out of the State Treasury in twelve equal monthly installments.

HORNSBY.

Read.

The amendment by Senator Hornsby was adopted by the following vote:

Yeas—19.

Beck.	Neal.
Burns.	Rawlings.
Cotten.	Redditt.
Davis.	Regan.
Holbrook.	Sanderford.
Hopkins.	Shivers.
Hornsby.	Small.
Isbell.	Stone.
Martin.	Van Zandt.
Moore.	

Nays—8.

Blackert.	Oneal.
Collie.	Poage.
DeBerry.	Sulak.
Nelson.	Westerfeld.

Present—Not Voting.

Hill.

Absent.

Woodruff.

Absent—Excused.

Fellbaum.

Pace.

The Van Zandt amendment as amended was adopted by viva voce vote.

Vote Recorded.

Senator DeBerry asked to be recorded as voting "nay" on adoption of the substitute as amended.

The amendment as substituted and amended was adopted by the following vote:

Yeas—18.

Beck.	Neal.
Burns.	Rawlings.
Cotten.	Redditt.
Davis.	Sanderford.
Hill.	Shivers.
Holbrook.	Small.
Hopkins.	Stone.
Hornsby.	Van Zandt.
Martin.	
Moore.	

Nays—8.

DeBerry.	Oneal.
Blackert.	Poage.
Collie.	Sulak.
Nelson.	Westerfeld.

Present—Not Voting.

Isbell.

Absent—Excused.

Fellbaum.	Regan.
Pace.	Woodruff.

Amend H. B. No. 83 by adding a new section following Section 1, and numbered 13, and renumbering subsequent sections to correspond, said section to read as follows:

"Sec. 2. District Attorneys and Criminal District Attorneys in counties having a population of 150,000 or more, according to the last preceding Federal census, shall receive a salary of Seven Thousand Five Hundred (7,500.00) Dollars per year, to be paid in twelve equal monthly installments upon warrants drawn by the Comptroller of Public

Accounts on the State Treasury, together with expense allowance now permitted or which may hereafter be allowed by law."

MOORE,
RAWLINGS.

Read and pending.

Substitute for the Moore and Rawlings amendment to H. B. No. 83 by adding a new section following Section No. 1 and numbering it No. 13, and renumbering subsequent sections to correspond, said section reading as follows:

"Sec. 2. District attorneys and Criminal District Attorneys in counties having a population of 150,000 or more, according to the last preceding Federal Census, shall receive a salary of Fifty-Five Hundred (\$5,500.00) Dollars per year, to be paid in twelve equal monthly installments upon warrants drawn by the Comptroller of Public Accounts on the State Treasury, together with expense allowance now permitted or which may hereafter be allowed by law.

WESTERFELD.

Read.

Motion to Table.

Senator Moore moved to table the substitute.

The motion to table prevailed by the following vote:

Yeas—15.

Beck.	Rawlings.
Burns.	Redditt.
Cotten.	Sanderford.
Hopkins.	Shivers.
Hornsby.	Small.
Martin.	Stone.
Moore.	Van Zandt.
Neal.	

Nays—13.

Blackert.	Nelson.
Collie.	Oneal.
Davis.	Poage.
DeBerry.	Sulak.
Hill.	Westerfeld.
Holbrook.	Woodruff.
Isbell.	

Absent—Excused.

Fellbaum.	Regan.
Pace.	

Amend the Moore amendment by striking out the words and

figures "Seventy Five Hundred Dollars (\$7500.00)" and insert in lieu thereof the words and figures "Sixty Five Hundred (\$6500.00)."

DAVIS.

Read.

Motion to Table.

Senator Moore moved to table the amendment by Senator Davis.

The motion to table prevailed by the following vote:

Yeas—14.

Beck.	Rawlings.
Burns.	Redditt.
Cotten.	Sanderford.
Hopkins.	Shivers.
Hornsby.	Small.
Moore.	Stone.
Neal.	Van Zandt.

Nays—14.

Blackert.	Martin.
Collie.	Nelson.
Davis.	Oneal.
DeBerry.	Poage.
Hill.	Sulak.
Holbrook.	Westerfeld.
Isbell.	Woodruff.

Absent—Excused.

Fellbaum.	Regan.
Pace.	

The Chair voted "yea" to table.

Amend Moore amendment to H. B. No. 83 by striking out \$7500.00 and inserting in lieu thereof \$4500.00.

SULAK.

Read and pending.

Previous Question.

Senator Cotten moved that the Senate order the previous question on the pending amendments and the engrossment of the bill.

The motion was seconded.

The previous question was ordered by the following vote:

Yeas—16.

Beck.	Neal.
Burns.	Rawlings.
Cotten.	Sanderford.
Davis.	Shivers.
Hopkins.	Small.
Hornsby.	Stone.
Martin.	Van Zandt.
Moore.	Woodruff.

Nays—12.

Blackert.	Nelson.
Collie.	Oneal.
DeBerry.	Poage.
Hill.	Redditt.
Holbrook.	Sulak.
Isbell.	Westerfeld.

Absent—Excused.

Fellbaum.	Regan.
Pace.	

Points of Order.

Senator Hornsby raised a point of order that Senator Sulak was filibustering.

The Chair stated that the same point had been raised three times and he would put the question to the Senate.

Senator DeBerry raised the point of order that there was no rule in rule book to the effect that when a Senator is called to order three times for filibustering, that the point of order goes back to the Senate.

The Chair ruled that Senator Sulak was consuming the time of the Senate unnecessarily.

The Sulak amendment was lost by the following vote:

Yeas—7.

Blackert.	Sulak.
Collie.	Westerfeld.
Oneal.	Woodruff.
Poage.	

Nays—19.

Beck.	Neal.
Burns.	Nelson.
Cotten.	Rawlings.
Davis.	Redditt.
DeBerry.	Sanderford.
Holbrook.	Shivers.
Hopkins.	Small.
Hornsby.	Stone.
Martin.	Van Zandt.
Moore.	

Present—Not Voting.

Hill.	Isbell.
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Absent—Excused.

Fellbaum.	Regan.
Pace.	

The pending amendment by Senators Moore and Rawlings was adopted by the following vote:

Yeas—15.

Beck.	Rawlings.
Burns.	Redditt.
Cotten.	Sanderford.
Hopkins.	Shivers.
Hornsby.	Small.
Martin.	Stone.
Moore.	Van Zandt.
Neal.	

Nays—13.

Blackert.	Nelson.
Collie.	Oneal.
Davis.	Poage.
DeBerry.	Sulak.
Hill.	Westerfeld.
Holbrook.	Woodruff.
Isbell.	

Absent—Excused.

Fellbaum.	Regan.
Pace.	

The committee report recommending that the bill be not printed was adopted by unanimous consent.

The bill was read second time as amended and passed to third reading by the following vote:

Yeas—17.

Beck.	Neal.
Burns.	Rawlings.
Cotten.	Redditt.
Davis.	Sanderford.
Holbrook.	Shivers.
Hopkins.	Small.
Hornsby.	Stone.
Martin.	Van Zandt.
Moore.	

Nays—11.

Blackert.	Oneal.
Collie.	Poage.
DeBerry.	Sulak.
Hill.	Westerfeld.
Isbell.	Woodruff.
Nelson.	

Absent—Excused.

Fellbaum.	Regan.
Pace.	

Senator DeBerry was recognized for an inquiry of the President of the Senate.

Point of Order.

Senator Moore raised the point of order that the inquiry of Senator DeBerry was out of order because the answer of the Lieutenant Gov-

error would have no effect on the pending question.

The Chair withheld his ruling.

Senator Burns moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 83 be put on its third reading.

The motion lost by not having received the required two-thirds vote as shown by the following vote:

Yeas—19.

Beck.	Neal.
Blackert.	Rawlings.
Burns.	Redditt.
Cotten.	Sanderford.
Davis.	Shivers.
Holbrook.	Small.
Hopkins.	Stone.
Hornsby.	Van Zandt.
Martin.	Woodruff.
Moore.	

Nays—8.

Collie.	Oneal.
DeBerry.	Poage.
Isbell.	Sulak.
Nelson.	Westerfeld.

Present—Not Voting.

Hill.

Absent—Excused.

Fellbaum.	Regan.
Pace.	

House Bill No. 125.

Senator Holbrook was recognized and called up H. B. No. 125.

The Chair laid before the Senate on its second reading the following bill:

H. B. No. 125, A bill to be entitled "An Act amending Section 3 of the Lower Colorado River Authority Act, being Chapter 7 of the Acts of the Fourth Called Session of the Forty-third Legislature, so as to provide that Directors of the Lower Colorado River Authority shall receive fees and expenses for attending meetings of the board and attending to other business of the authority; fixing the amount of such fees; making an appropriation to said authority; and declaring an emergency."

(With committee amendments.)

Senator Holbrook received unani-

mous consent to amend the caption to conform to the body of the bill. Adopted.

The rule requiring bills to be printed and lie over one day was suspended by unanimous consent.

The committee report recommending that the bill be not printed was adopted by unanimous consent.

The committee amendment was adopted.

The bill was read second time as amended and passed to third reading.

On motion of Senator Holbrook, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 125 was put on its third reading and final passage by the following vote:

Yeas—28.

Beck.	Neal.
Blackert.	Nelson.
Burns.	Oneal.
Collie.	Poage.
Cotten.	Rawlings.
Davis.	Redditt.
DeBerry.	Sanderford.
Hill.	Shivers.
Holbrook.	Small.
Hopkins.	Stone.
Hornsby.	Sulak.
Isbell.	Van Zandt.
Martin.	Westerfeld.
Moore.	Woodruff.

Absent—Excused.

Fellbaum.	Regan.
Pace.	

Read third time and finally passed by the following vote:

Yeas—26.

Beck.	Nelson.
Blackert.	Oneal.
Burns.	Poage.
Collie.	Rawlings.
Cotten.	Redditt.
Davis.	Sanderford.
Holbrook.	Shivers.
Hopkins.	Small.
Hornsby.	Stone.
Isbell.	Sulak.
Martin.	Van Zandt.
Moore.	Westerfeld.
Neal.	Woodruff.

Nays—2.

DeBerry.	Hill.
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Absent—Excused.

Fellbaum. Regan.
Pace.

House Bill No. 134.

Senator Shivers asked unanimous consent to suspend the regular order of business and take up H. B. No. 134.

Objections were heard.

Senator Shivers moved to suspend the regular order of business and take up H. B. No. 134.

The motion prevailed by the following vote:

Yeas—22.

Beck.	Neal.
Blackert.	Nelson.
Burns.	Oneal.
Cotten.	Rawlings.
Davis.	Redditt.
Holbrook.	Sanderford.
Hopkins.	Shivers.
Hornsby.	Small.
Isbell.	Stone.
Martin.	Sulak.
Moore.	Woodruff.

Nays—5.

Collie.	Poage.
DeBerry.	Van Zandt.
Hill.	

Present—Not Voting.

Westerfeld.

Absent—Excused.

Fellbaum. Regan.
Pace.

The Chair laid before the Senate on its second reading the following bill:

H. B. No. 134, A bill to be entitled "An Act granting aid to the property in and inhabitants of Orange County, Texas, made necessary by reason of the location of Orange County on the gulf coast and by reason of the calamitous overflows, floods and storms which caused great destruction of property and loss of life in said county; etc., and declaring an emergency."

Senator Shivers moved to suspend the rule requiring copies of printed bills to lie on the desks for 24 hours.

The motion prevailed by unanimous consent.

The committee report recommending that the bill be not printed was adopted by unanimous consent.

The bill was read second time and passed to third reading.

On motion of Senator Shivers, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 134 was put on its third reading and final passage by the following vote:

Yeas—28.

Beck.	Neal.
Blackert.	Nelson.
Burns.	Oneal.
Collie.	Poage.
Cotten.	Rawlings.
Davis.	Redditt.
DeBerry.	Sanderford.
Hill.	Shivers.
Holbrook.	Small.
Hopkins.	Stone.
Hornsby.	Sulak.
Isbell.	Van Zandt.
Martin.	Westerfeld.
Moore.	Woodruff.

Absent—Excused.

Fellbaum. Regan.
Pace.

Read third time and finally passed by the following vote:

Yeas—20.

Beck.	Martin.
Blackert.	Moore.
Burns.	Neal.
Collie.	Nelson.
Cotten.	Rawlings.
Davis.	Redditt.
Holbrook.	Sanderford.
Hopkins.	Shivers.
Hornsby.	Small.
Isbell.	Stone.

Nays—8.

DeBerry.	Sulak.
Hill.	Van Zandt.
Oneal.	Westerfeld.
Poage.	Woodruff.

Absent—Excused.

Fellbaum. Regan.
Pace.

Senate Bill No. 55.

Senator Small received unanimous consent to suspend the regular order of business and take up S. B. No. 55.

The Chair laid before the Senate on its second reading the following bill:

S. B. No. 55, A bill to be entitled "An Act creating a special road law for Hartley County, Texas, providing that said county may fund or refund the indebtedness outstanding against its road and bridge fund as of May 23, 1935, setting forth the method of operating, etc., and declaring an emergency."

The committee report recommending that the bill be not printed was adopted by unanimous consent.

The bill was read second time and passed to engrossment.

On motion of Senator Small, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 55 was put on its third reading and final passage by the following vote:

Yeas—28.

Beck.	Neal.
Blackert.	Nelson.
Burns.	Oneal.
Collie.	Poage.
Cotten.	Rawlings.
Davis.	Redditt.
DeBerry.	Sanderford.
Hill.	Shivers.
Holbrook.	Small.
Hopkins.	Stone.
Hornsby.	Sulak.
Isbell.	Van Zandt.
Martin.	Westerfeld.
Moore.	Woodruff.

Absent—Excused.

Fellbaum.	Regan.
Pace.	

Read third time and finally passed by the following vote:

Yeas—28.

Beck.	Neal.
Blackert.	Nelson.
Burns.	Oneal.
Collie.	Poage.
Cotten.	Rawlings.
Davis.	Redditt.
DeBerry.	Sanderford.
Hill.	Shivers.
Holbrook.	Small.
Hopkins.	Stone.
Hornsby.	Sulak.
Isbell.	Van Zandt.
Martin.	Westerfeld.
Moore.	Woodruff.

Absent—Excused.

Fellbaum.	Regan.
Pace.	

House Bill No. 139.

Senator Moore received unanimous consent to suspend the regular order of business and take up H. B. No. 139.

The Chair laid before the Senate on its second reading the following bill:

H. B. No. 139, A bill to be entitled "An Act to amend Article 6795, Title 116, Chapter 5, of the Revised Civil Statutes of 1925, of the State of Texas, and to add to said chapter, Article 6795a, authorizing county commissioners' courts situated within any county having not less than 350,000 population, according to the last preceding Federal census, to construct, build, acquire, own, operate and maintain a toll underpass or tunnel in the State of Texas; etc., and declaring an emergency."

Senator Moore moved to suspend the rule requiring bills to be printed and to lie over 24 hours.

The motion prevailed unanimously.

The rule requiring committee reports to lie over one day was suspended by unanimous consent.

The committee report recommending that the bill be not printed was adopted by unanimous consent.

The bill was read second time and passed to third reading.

On motion of Senator Moore, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 139 was put on its third reading and final passage by the following vote:

Yeas—28.

Beck.	Neal.
Blackert.	Nelson.
Burns.	Oneal.
Collie.	Poage.
Cotten.	Rawlings.
Davis.	Redditt.
DeBerry.	Sanderford.
Hill.	Shivers.
Holbrook.	Small.
Hopkins.	Stone.
Hornsby.	Sulak.
Isbell.	Van Zandt.
Martin.	Westerfeld.
Moore.	Woodruff.

Absent—Excused.

Fellbaum. Regan.
Pace.

Read third time and finally passed
by the following vote:

Yeas—28.

Beck.	Neal.
Blackert.	Nelson.
Burns.	Oneal.
Collie.	Poage.
Cotten.	Rawlings.
Davis.	Redditt.
DeBerry.	Sanderford.
Hill.	Shivers.
Holbrook.	Small.
Hopkins.	Stone.
Hornsby.	Sulak.
Isbell.	Van Zandt.
Martin.	Westerfeld.
Moore.	Woodruff.

Absent—Excused.

Fellbaum. Regan.
Pace.

Senate Bill No. 72.

Senator Nelson received unanimous consent to suspend the regular order of business and take up S. B. No. 72.

The Chair laid before the Senate on its second reading the following bill:

By Senator Nelson:

S. B. No. 72, A bill to be entitled "An Act validating, ratifying and confirming the election of trustees, all acts of such trustees, the ordering of election in certain independent school districts for the purpose of issuing bonds, the issuance and sale of such bonds and the levy and assessment of taxes in such districts for the purpose of liquidating such bonds in all independent school districts in the State of Texas heretofore created by an Act or Acts of the Legislature providing for the election of three trustees in such districts and which in fact seven trustees have been elected, and declaring an emergency."

The committee report recommending that the bill be not printed was adopted by unanimous consent.

The bill was read second time and passed to engrossment.

On motion of Senator Nelson, the constitutional rule requiring bills to

be read on three several days was suspended and S. B. No. 72 was put on its third reading and final passage by the following vote:

Yeas—28.

Beck.	Neal.
Blackert.	Nelson.
Burns.	Oneal.
Collie.	Poage.
Cotten.	Rawlings.
Davis.	Redditt.
DeBerry.	Sanderford.
Hill.	Shivers.
Holbrook.	Small.
Hopkins.	Stone.
Hornsby.	Sulak.
Isbell.	Van Zandt.
Martin.	Westerfeld.
Moore.	Woodruff.

Absent—Excused.

Fellbaum. Regan.
Pace.

Read third time and finally passed
by the following vote:

Yeas—28.

Beck.	Neal.
Blackert.	Nelson.
Burns.	Oneal.
Collie.	Poage.
Cotten.	Rawlings.
Davis.	Redditt.
DeBerry.	Sanderford.
Hill.	Shivers.
Holbrook.	Small.
Hopkins.	Stone.
Hornsby.	Sulak.
Isbell.	Van Zandt.
Martin.	Westerfeld.
Moore.	Woodruff.

Absent—Excused.

Fellbaum. Regan.
Pace.

House Bill No. 93.

Senator Cotten received unanimous consent to suspend the regular order of business and take up H. B. No. 93.

The Chair laid before the Senate on its second reading the following bill:

H. B. No. 93, A bill to be entitled "An Act amending Article 802, Penal Code of Texas, 1925, and declaring an emergency."

The rule requiring committee re-

ports to lie over one day was suspended by unanimous consent.

The committee report recommending that the bill be not printed was adopted by unanimous consent.

The bill was read second time and passed to third reading.

On motion of Senator Cotten the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 93 was put on its third reading and final passage by the following vote:

Yeas—28.

Beck.	Neal.
Blackert.	Nelson.
Burns.	Oneal.
Collie.	Poage.
Cotten.	Rawlings.
Davis.	Redditt.
DeBerry.	Sanderford.
Hill.	Shivers.
Holbrook.	Small.
Hopkins.	Stone.
Hornsby.	Sulak.
Isbell.	Van Zandt.
Martin.	Westerfeld.
Moore.	Woodruff.

Absent—Excused.

Fellbaum.	Regan.
Pace.	

Read third time and finally passed by viva voce vote.

House Bill No. 78.

Senator Holbrook received unanimous consent to suspend the regular order of business and take up H. B. No. 78.

The Chair laid before the Senate on its second reading the following bill:

By Mr. McKinney:

H. B. No. 78, A bill to be entitled "An Act providing for the creation of a fund to be known as the Industrial Revolving Fund of the Texas Prison System for the use of said System in the purchasing of supplies and materials for tag plant, shoe and print shop and other industries and delivery of finished products of said System, and providing for the payment into said fund by the State Treasurer out of moneys remitted to him by the General Manager of the State Prison System; and providing for the depositing of said fund in

equal amounts in the Huntsville Bank and trust Co. and the First National Bank, all of Huntsville, Texas; and providing for reports of the condition of the Industrial Revolving Fund by the depositories and providing for the manner in which warrants may be drawn on said fund, and, and declaring an emergency."

(With committee amendments.)

Senator Holbrook moved to suspend the rule requiring the bill to be printed and lie over 24 hours.

The motion prevailed by unanimous consent.

On motion of Senator Holbrook the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 78 was put on its second reading by the following vote:

Yeas—28.

Beck.	Martin.
Blackert.	Moore.
Burns.	Neal.
Collie.	Nelson.
Cotten.	Oneal.
Davis.	Poage.
DeBerry.	Rawlings.
Hill.	Redditt.
Holbrook.	Sanderford.
Hopkins.	Shivers.
Hornsby.	Small.
Isbell.	Stone.
Sulak.	Westerfeld.
Van Zandt.	Woodruff.

Absent—Excused.

Fellbaum.	Regan.
Pace.	

The rule requiring committee reports to lie over one day was suspended by unanimous consent.

The committee report recommending that the bill be not printed was adopted by unanimous consent.

The committee amendment was adopted.

On motion of Senator Holbrook the caption was amended to conform to the body of the bill.

The bill was read second time as amended and passed to third reading.

On motion of Senator Holbrook the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 78 was put on its third reading and final passage by the following vote:

Yeas—28.

Beck.	Neal.
Blackert.	Nelson.
Burns.	Oneal.
Collie.	Poage.
Cotten.	Rawlings.
Davis.	Redditt.
DeBerry.	Sanderford.
Hill.	Shivers.
Holbrook.	Small.
Hopkins.	Stone.
Hornsby.	Sulak.
Isbell.	Van Zandt.
Martin.	Westerfeld.
Moore.	Woodruff.

Absent—Excused.

Fellbaum.	Regan.
Pace.	

Read third time and finally passed
by the following vote:

Yeas—27.

Beck.	Neal.
Blackert.	Nelson.
Burns.	Oneal.
Collie.	Rawlings.
Cotten.	Redditt.
Davis.	Sanderford.
DeBerry.	Shivers.
Hill.	Small.
Holbrook.	Stone.
Hopkins.	Sulak.
Hornsby.	Van Zandt.
Isbell.	Westerfeld.
Martin.	Woodruff.
Moore.	

Nays—1.

Poage.

Absent—Excused.

Fellbaum.	Regan.
Pace.	

House Bill No. 144.

Senator Hornsby received unanimous consent to suspend the regular order of business and take up H. B. No. 144.

Senator Hornsby moved to suspend the rule requiring bills to be printed and lie over 24 hours.

The motion prevailed by viva voce vote.

House Bill No. 144.

The Chair laid before the Senate on its second reading the following bill:

H. B. No. 144, A bill to be entitled "An Act to amend Sections 6 and 7 of Chapter 24, Acts of the Regular Session, Thirty-eighth Legislature, and declaring an emergency."

The rule requiring committee reports to lie over one day was suspended by unanimous consent.

The committee report recommending that the bill be not printed was adopted by unanimous consent.

The bill was read second time and passed to third reading.

On motion of Senator Hornsby, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 144 was put on its third reading and final passage by the following vote:

Yeas—28.

Beck.	Neal.
Blackert.	Nelson.
Burns.	Oneal.
Collie.	Poage.
Cotten.	Rawlings.
Davis.	Redditt.
DeBerry.	Sanderford.
Hill.	Shivers.
Holbrook.	Small.
Hopkins.	Stone.
Hornsby.	Sulak.
Isbell.	Van Zandt.
Martin.	Westerfeld.
Moore.	Woodruff.

Absent—Excused.

Fellbaum.	Regan.
Pace.	

Read third time and finally passed
by the following vote:

Yeas—28.

Beck.	Neal.
Blackert.	Nelson.
Burns.	Oneal.
Collie.	Poage.
Cotten.	Rawlings.
Davis.	Redditt.
DeBerry.	Sanderford.
Hill.	Shivers.
Holbrook.	Small.
Hopkins.	Stone.
Hornsby.	Sulak.
Isbell.	Van Zandt.
Martin.	Westerfeld.
Moore.	Woodruff.

Absent—Excused.

Fellbaum.	Regan.
Pace.	

House Bill No. 48.

Senator Neal received unanimous consent to suspend the regular order of business and take up H. B. No. 48.

The Chair laid before the Senate on its second reading the following bill:

By Mr. Pope:

H. B. No. 48, A bill to be entitled "An Act to add a new section to be known as Section 16a to, and to amend Sections 1 and 7 of, Senate Bill No. 43, Chapter 17, of the General and Special Laws passed by the Second Called Session of the Forty-third Legislature of the State of Texas, which act relates to the issuance of bonds, notes, or warrants payable from revenues other than taxation, for the construction, maintenance, and operation of certain improvements in certain cities, and authorize such cities to borrow money from the United States Government or other Federal agencies, or from any person, firm or corporation, and declaring an emergency."

Senator Neal moved to suspend the rule requiring bills to be printed and lie over 24 hours.

The motion prevailed unanimously.

The committee report recommending that the bill be not printed was adopted by unanimous consent.

The bill was read second time and passed to third reading.

On motion of Senator Neal, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 48 was put on its third reading and final passage by the following vote:

Yeas—28.

Beck.	Neal.
Blackert.	Nelson.
Burns.	Oneal.
Collie.	Poage.
Cotten.	Rawlings.
Davis.	Redditt.
DeBerry.	Sanderford.
Hill.	Shivers.
Holbrook.	Small.
Hopkins.	Stone.
Hornsby.	Sulak.
Isbell.	Van Zandt.
Martin.	Westerfeld.
Moore.	Woodruff.

Absent—Excused.

Fellbaum.	Regan.
Pace.	

Read third time and finally passed by the following vote:

Yeas—27.

Beck.	Nelson.
Blackert.	Oneal.
Burns.	Poage.
Collie.	Rawlings.
Cotten.	Redditt.
Davis.	Sanderford.
Hill.	Shivers.
Holbrook.	Small.
Hopkins.	Stone.
Hornsby.	Sulak.
Isbell.	Van Zandt.
Martin.	Westerfeld.
Moore.	Woodruff.
Neal.	

Nays—1.

DeBerry.

Absent—Excused.

Fellbaum.	Regan.
Pace.	

House Bill No. 119.

Senator Oneal received unanimous consent to suspend the regular order of business and take up H. B. No. 119.

The Chair laid before the Senate on its second reading the following bill:

H. B. No. 119, A bill to be entitled "An Act creating a special road law for Bailey County, Texas, providing that said county may fund or refund the indebtedness outstanding against its road and bridge fund as of April 10, 1935, setting forth the method of operation, etc.; and declaring an emergency."

Senator Oneal moved to suspend the rule requiring bills to be printed and lie over 24 hours.

The motion prevailed unanimously.

The committee report recommending that the bill be not printed was adopted by unanimous consent.

The bill was read second time and passed to third reading.

On motion of Senator Oneal, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 119 was put on its third reading and final passage by the following vote:

Yeas—28.

Beck.	Neal.
Blackert.	Nelson.
Burns.	Oneal.
Collie.	Poage.
Cotten.	Rawlings.
Davis.	Redditt.
DeBerry.	Sanderford.
Hill.	Shivers.
Holbrook.	Small.
Hopkins.	Stone.
Hornsby.	Sulak.
Isbell.	Van Zandt.
Martin.	Westerfeld.
Moore.	Woodruff.

Absent—Excused.

Fellbaum.	Regan.
Pace.	

Read third time and finally passed by the following vote:

Yeas—28.

Beck.	Neal.
Blackert.	Nelson.
Burns.	Oneal.
Collie.	Poage.
Cotten.	Rawlings.
Davis.	Redditt.
DeBerry.	Sanderford.
Hill.	Shivers.
Holbrook.	Small.
Hopkins.	Stone.
Hornsby.	Sulak.
Isbell.	Van Zandt.
Martin.	Westerfeld.
Moore.	Woodruff.

Absent—Excused.

Fellbaum.	Regan.
Pace.	

Senator Poage was recognized and sent up the following written motion:

It is now twelve o'clock, midnight, Oct. 14th, 1935, and under the joint rules of the House and Senate no vote can be taken on any bill. The clock of the Senate has been stopped. I move that the Senate conform to the rules and that the Senate do now stand adjourned till 10:00 a. m. Wednesday morning, Oct. 15th, 1935.

POAGE.

Read.

The motion lost by the following vote:

Yeas—3.

Hill.	Poage.
Oneal.	

Nays—24.

Blackert.	Neal.
Burns.	Nelson.
Collie.	Rawlings.
Cotten.	Redditt.
Davis.	Sanderford.
DeBerry.	Shivers.
Holbrook.	Small.
Hopkins.	Stone.
Hornsby.	Sulak.
Isbell.	Van Zandt.
Martin.	Westerfeld.
Moore.	Woodruff.

Absent—Excused.

Beck.	Pace.
Fellbaum.	Regan.

House Bill No. 150.

Senator Redditt received unanimous consent to suspend the regular order of business and take up H. B. No. 150.

The Chair laid before the Senate the following bill:

By Mr. Spears:

H. B. No. 150, A bill to be entitled "An Act making an emergency appropriation for the use of the Secretary of State in paying the expenses connected with the publication of constitutional amendments, and declaring an emergency."

Senator Redditt moved to suspend the rule requiring bills to be printed and lie over one day.

The motion prevailed unanimously.

On motion of Senator Redditt, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 150 was put on its second reading by the following vote:

Yeas—28.

Beck.	Neal.
Blackert.	Nelson.
Burns.	Oneal.
Collie.	Poage.
Cotten.	Rawlings.
Davis.	Redditt.
DeBerry.	Sanderford.
Hill.	Shivers.
Holbrook.	Small.
Hopkins.	Stone.
Hornsby.	Sulak.
Isbell.	Van Zandt.
Martin.	Westerfeld.
Moore.	Woodruff.

Absent—Excused.

Fellbaum. Regan.
Pace.

The rule requiring committee reports to lie over one day was suspended by unanimous consent.

The committee report recommending that the bill be not printed was adopted by unanimous consent.

The bill was read second time and passed to third reading.

On motion of Senator Redditt, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 150 was put on its third reading and final passage by the following vote:

Yeas—26.

Blackert.	Nelson.
Burns.	Oneal.
Collie.	Poage.
Cotten.	Rawlings.
Davis.	Redditt.
DeBerry.	Sanderford.
Holbrook.	Shivers.
Hopkins.	Small.
Hornsby.	Stone.
Isbell.	Sulak.
Martin.	Van Zandt.
Moore.	Westerfeld.
Neal.	Woodruff.

Absent—Excused.

Beck. Pace.
Fellbaum. Regan.
Hill.

Read third time and finally passed by the following vote:

Yeas—26.

Blackert.	Nelson.
Burns.	Oneal.
Collie.	Poage.
Cotten.	Rawlings.
Davis.	Redditt.
DeBerry.	Regan.
Holbrook.	Sanderford.
Hopkins.	Shivers.
Hornsby.	Small.
Isbell.	Stone.
Martin.	Van Zandt.
Moore.	Westerfeld.
Neal.	Woodruff.

Nays—1.

Sulak.

Absent—Excused.

Beck. Hill.
Fellbaum. Pace.

House Bill No. 113.

Senator Small received unanimous consent to suspend the regular order of business and take up H. B. No. 113.

The Chair laid before the senate on second reading the following bill:

H. B. No. 113, A bill to be entitled "An Act making emergency appropriations of \$16,628.00 to the West Texas State Teachers College at Canyon, Texas, for the purpose of purchasing supplies and furnishing labor for the laying of water and gas mains and furnishing electrical wiring and appliances to the Boys' Dormitory and laying water, gas and sewer mains to the students' cottages, located at said college, etc., and declaring an emergency."

The rule requiring committee reports to lie over one day was suspended by unanimous consent.

The committee report recommending that the bill be not printed was adopted by unanimous consent.

The bill was read second time and passed to third reading.

On motion of Senator Small, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 113 was put on its third reading and final passage by the following vote:

Yeas—25.

Blackert.	Nelson.
Burns.	Oneal.
Collie.	Rawlings.
Cotten.	Redditt.
Davis.	Sanderford.
DeBerry.	Shivers.
Holbrook.	Small.
Hopkins.	Stone.
Hornsby.	Sulak.
Isbell.	Van Zandt.
Martin.	Westerfeld.
Moore.	Woodruff.
Neal.	

Absent—Excused.

Beck. Pace.
Fellbaum. Poage.
Hill. Regan.

Amendment.

Amend H. B. No. 113, by adding thereto the following:

That the following sums of money be, and the same are hereby appropriated out of any funds in the State

Treasury, not otherwise appropriated, to cover emergency and supplemental appropriations for the Sul Ross State Teachers College, Alpine, Texas, for the balance of the fiscal year ending August 31, 1936, which appropriation shall be available immediately, and shall be for the emergency herein stated and in addition to the appropriations which have heretofore been made to State institutions by the General Appropriation Bill for the support and maintenance of State educational institutions, Chapter 360, Acts Regular Session of the Forty-fourth Legislature:

Oil tank for band home	\$ 250.00
Oil burner for band home	250.00
Furniture for 12 cottages:	
Two bedrooms, kitchenette	3,318.20
Removing all posts and placing electric wire underground	2,500.00
Two yardmen at \$50.00 per month each	1,200.00
One janitor at \$50.00 a month	600.00

Total \$8,118.20

Provided that the Sul Ross State Teachers College in the expenditure of the several amounts hereinabove appropriated shall be governed by the general provisions of the appropriation bill for the support and maintenance of State educational institutions, Chapter 360, Acts Regular Session of the Forty-fourth Legislature, insofar as the same are applicable.

REGAN,
WOODRUFF.

Read and adopted unanimously.

Amend H. B. No. 113 by adding at the end of the first section the following:

To construct two cooperative cottages on the campus of the Texas State College for Women at Denton \$10,100.00

And amend the caption to conform.

WOODRUFF.

Read and adopted unanimously.

Amend the caption to conform to the body of the bill.

SMALL.

Adopted unanimously.

H. B. No. 113 was read the third time as amended and finally passed by the following vote:

Yeas—21.

Blackert.	Nelson.
Burns.	Oneal.
Collie.	Rawlings.
Davis.	Redditt.
Holbrook.	Sanderford.
Hopkins.	Shivers.
Hornsby.	Small.
Isbell.	Stone.
Martin.	Van Zandt.
Moore.	Woodruff.
Neal.	

Nays—4.

Cotten.	Sulak.
DeBerry.	Westerfeld.

Absent—Excused.

Beck.	Pace.
Fellbaum.	Poage.
Hill.	Regan.

House Bill No. 141.

Senator Van Zandt received unanimous consent to suspend the regular order of business and take up H. B. No. 141.

The Chair laid before the Senate on its second reading the following bill:

H. B. No. 141, A bill to be entitled "An Act to create the Nueces River Conservation and Reclamation District under the authority of Section 59 of Article 16 of the Constitution of Texas, authorizing subordinate districts and for the creation and government thereof; etc."

The rule requiring committee reports to lie over one day was suspended by unanimous consent.

The committee report recommending that the bill be not printed was adopted by unanimous consent.

The bill was read second time and passed to third reading.

On motion of Senator Van Zandt the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 141 was put on its third reading and final passage by the following vote:

Yeas—25.

Blackert.	Cotten.
Burns.	Davis.
Collie.	DeBerry.

Shivers.	Rawlings.
Holbrook.	Redditt.
Hopkins.	Sanderford.
Hornsby.	Small.
Isbell.	Stone.
Martin.	Sulak.
Moore.	Van Zandt.
Neal.	Westerfeld.
Nelson.	Woodruff.
Oneal.	

Absent—Excused.

Beck.	Pace.
Fellbaum.	Poage.
Hill.	Regan.

Read third time and finally passed by the following vote:

Yeas—24.

Blackert.	Nelson.
Burns.	Oneal.
Collie.	Rawlings.
Cotten.	Redditt.
Davis.	Sanderford.
Holbrook.	Shivers.
Hopkins.	Small.
Hornsby.	Stone.
Isbell.	Sulak.
Martin.	Van Zandt.
Moore.	Westerfeld.
Neal.	Woodruff.

Nays—1.

DeBerry.

Absent—Excused.

Beck.	Pace.
Fellbaum.	Poage.
Hill.	Regan.

House Bill No. 118.

Senator Westerfeld received unanimous consent to suspend the regular order of business and take up H. B. No. 118.

The Chair laid before the Senate on its second reading the following bill:

H. B. No. 118, A bill to be entitled "An Act creating a special road law for Lamb County, Texas, providing that said county may fund or refund the indebtedness outstanding against its road and bridge fund as of April 13, 1935, setting forth the method of operation, etc., and declaring an emergency."

The committee report recommending that the bill be not printed was adopted by unanimous consent.

The bill was read second time and passed to third reading.

On motion of Senator Westerfeld, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 118 was put on its third reading and final passage by the following vote:

Yeas—25.

Blackert.	Nelson.
Burns.	Oneal.
Collie.	Rawlings.
Cotten.	Redditt.
Davis.	Sanderford.
DeBerry.	Shivers.
Holbrook.	Small.
Hopkins.	Stone.
Hornsby.	Sulak.
Isbell.	Van Zandt.
Martin.	Westerfeld.
Moore.	Woodruff.
Neal.	

Absent—Excused.

Beck.	Pace.
Fellbaum.	Poage.
Hill.	Regan.

Read third time and finally passed by the following vote:

Yeas—25.

Blackert.	Nelson.
Burns.	Oneal.
Collie.	Rawlings.
Cotten.	Redditt.
Davis.	Sanderford.
DeBerry.	Shivers.
Holbrook.	Small.
Hopkins.	Stone.
Hornsby.	Sulak.
Isbell.	Van Zandt.
Martin.	Westerfeld.
Moore.	Woodruff.
Neal.	

Absent—Excused.

Beck.	Pace.
Fellbaum.	Poage.
Hill.	Regan.

House Bill No. 123.

Senator Woodruff received unanimous consent to suspend the regular order of business and take up H. B. No. 123.

The Chair laid before the Senate on its second reading the following bill:

H. B. No. 123, A bill to be entitled "An Act creating a special road law

for Swisher County, Texas, providing that said County may fund or refund the indebtedness outstanding against its road and bridge fund as of July 8, 1935, setting forth the method of operation; validating the indebtedness proposed to be funded or refunded; etc., and declaring an emergency."

Senator Woodruff moved to suspend the rule requiring bills to be printed and lie over one day.

The motion prevailed unanimously.

The committee report recommending that the bill be not printed was adopted by unanimous consent.

The bill was read second time and passed to third reading.

On motion of Senator Woodruff the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 123 was put on its third reading and final passage by the following vote:

Yeas—25.

Blackert.	Nelson.
Burns.	Oneal.
Collie.	Rawlings.
Cotten.	Redditt.
Davis.	Sanderford.
DeBerry.	Shivers.
Holbrook.	Small.
Hopkins.	Stone.
Hornsby.	Sulak.
Isbell.	Van Zandt.
Martin.	Westerfeld.
Moore.	Woodruff.
Neal.	

Absent—Excused.

Beck.	Pace.
Fellbaum.	Poage.
Hill.	Regan.

Read third time and finally passed by the following vote:

Yeas—25.

Blackert.	Nelson.
Burns.	Oneal.
Collie.	Rawlings.
Cotten.	Redditt.
Davis.	Sanderford.
DeBerry.	Shivers.
Holbrook.	Small.
Hopkins.	Stone.
Hornsby.	Sulak.
Isbell.	Van Zandt.
Martin.	Westerfeld.
Moore.	Woodruff.
Neal.	

Absent—Excused.

Beck.	Pace.
Fellbaum.	Poage.
Hill.	Regan.

House Bill No. 100.

Senator Blackert received unanimous consent to suspend the regular order of business and take up H. B. No. 100.

The Chair laid before the Senate on its second reading the following bill:

H. B. No. 100, A bill to be entitled "An Act to validate all consolidations or attempts at consolidation of a common school district or districts with a contiguous independent school district created by General or Special Law, after elections held under Article 2806, Title 49, Revised Civil Statutes of Texas, 1925, and amendments thereto; etc., and declaring an emergency."

The committee report recommending that the bill be not printed was adopted by unanimous consent.

The bill was read second time and passed to third reading.

On motion of Senator Neal, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 100 was put on its third reading and final passage by the following vote:

Yeas—26.

Blackert.	Nelson.
Burns.	Oneal.
Collie.	Poage.
Cotten.	Rawlings.
Davis.	Redditt.
DeBerry.	Sanderford.
Holbrook.	Shivers.
Hopkins.	Small.
Hornsby.	Stone.
Isbell.	Sulak.
Martin.	Van Zandt.
Moore.	Westerfeld.
Neal.	Woodruff.

Absent—Excused.

Beck.	Pace.
Fellbaum.	Regan.
Hill.	

Read third time and finally passed by the following vote:

Yeas—21.

Blackert.	Cotten.
Collie.	Davis.

Holbrook.	Redditt.
Hopkins.	Sanderford.
Hornsby.	Shivers.
Isbell.	Small.
Martin.	Stone.
Moore.	Sulak.
Neal.	Van Zandt.
Nelson.	Woodruff.
Rawlings.	

Nays—5.

Burns.	Poage.
DeBerry.	Westerfeld.
Oneal.	

Absent—Excused.

Beck.	Pace.
Fellbaum.	Regan.
Hill.	

Motion to Recess.

Senator Hopkins, at 11:55 o'clock p. m., moved that the Senate recess until 11:00 o'clock a. m. Tuesday.

Motion to Adjourn.

Senator Woodruff moved that the Senate adjourn until 10:00 o'clock a. m. Tuesday.

The motion to recess until 11:00 o'clock failed by the following vote:

Yeas—7.

Holbrook.	Sanderford.
Hopkins.	Stone.
Moore.	Sulak.
Rawlings.	

Nays—17.

Blackert.	Nelson.
Burns.	Oneal.
Collie.	Poage.
Cotten.	Redditt.
Davis.	Shivers.
DeBerry.	Small.
Hornsby.	Van Zandt.
Isbell.	Woodruff.
Neal.	

Absent—Excused.

Beck.	Pace.
Fellbaum.	Regan.
Hill.	Westerfeld.
Martin.	

Adjournment.

The motion to adjourn prevailed by viva voce vote.

SEVENTEENTH DAY.

Senate Chamber,
Austin, Texas,
October 15, 1935.

The Senate met at 10:00 o'clock a. m., pursuant to adjournment, and was called to order by Lieutenant Governor Walter F. Woodul.

The roll call disclosed a quorum, the following Senators being present.

Beck.	Nelson.
Blackert.	Oneal.
Burns.	Pace.
Collie.	Poage.
Cotten.	Rawlings.
Davis.	Redditt.
DeBerry.	Regan.
Hill.	Sanderford.
Holbrook.	Shivers.
Hopkins.	Small.
Hornsby.	Stone.
Isbell.	Sulak.
Martin.	Van Zandt.
Moore.	Westerfeld.
Neal.	Woodruff.

Absent—Excused.

Fellbaum.

Prayer by the Chaplain.

Further reading of the Journal was dispensed with on motion of Senator Sulak.

Petitions and Memorials.

(See Appendix.)

Committee Reports.

(See Appendix.)

Message From the House.

The Chair recognized the Door-keeper, who introduced a messenger from the House with the following message:

Hall of the House of Representatives,
Austin, Texas, Oct. 15, 1935.

Hon. Walter F. Woodul, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following resolutions:

H. C. R. No. 22, Appealing to the National Democratic Executive Committee of the Democratic Party of the Nation to promulgate rules, regulations and conditions that will prevent the seating of negro delegates at the National Democratic Convention in 1936.

S. C. R. No. 4, Permitting Mr. H. C. Brannon and wife, Joe Brannon, to sue the State for damages.

S. C. R. No. 7, Granting permission to Cleo Fletcher to bring suit against the State of Texas for personal injuries.

The House has concurred in Senate amendments to H. B. No. 78 by a viva voce vote.

The House has refused to pass finally by a vote of 53 yeas and 70 nays:

H. B. No. 96, A bill to be entitled "An Act to amend Section 1 of Chapter 117, being H. B. No. 847, passed by the Forty-second Legislature of